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Supplement

Latin America

MEXICO:
Second Human Rights Unit Report Issued

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[Text of "Second Semiannual Report of the National Human Rights Commission [CNDH], December 1990-May 1991, Mexico City, 5 June 1991;" presented by Commission President Dr. Jorge Carpizo; numbering format as published]

[Text] Mexico City, 5 June 1991

CITIZEN CARLOS SALINAS DE GORTARI, CONSTITUTIONAL PRESIDENT OF THE UNITED MEXICAN STATES.

Distinguished Mr. President:

Today is the first anniversary of the creation of the National Human Rights Commission pursuant to the decree that you issued. In accordance with Article 5, Section V of this decree and Article 10, Section VI of the Commission's own Rules of Procedure, it is with great pleasure that I present the Second Activities Report, which covers the period from 4 December 1990 to 27 May of this year.

This report and the past 12 months can be useful in assessing what this National Commission has truly achieved in its first year of existence, in what areas efforts must be intensified, and what goals indicated in the Working Programs have not been fully attained and why. This report provides a splendid opportunity to reflect on the future of this institution and its usefulness to Mexican society.

As stipulated in the National Commission's regulations, I listened to the opinions of the members of its Honorable Council and those of my closest colleagues. However, as I asserted in the previous report, I am solely responsible for its contents.

I. SESSIONS OF THE NATIONAL COMMISSION'S COUNCIL

The Council of the National Human Rights Commission held six regular sessions and one special session, at which it discussed and, when appropriate, approved the Commission's general operating guidelines. These sessions represented 49 hours of work. Among the most important results are: Resolution 1/91, which sets the conditions for the acceptance of the Commission's recommendations and for the submission of evidence that the recommendation has really been carried out; Resolution 2/91, which establishes that the Commission does indeed have jurisdiction to hear environmental complaints as long as a set of conditions is met; opinion 3/91, which explains the reasons why it is not proper to include the authority to which a recommendation has been directed on investigating commissions; the declaration concerning the decision not to create delegations in the states of the federation and concerning the method of operation of the Commission itself, as well as the declaration condemning the discovery of three electronic devices for listening in on conversations in the offices of the council itself and of the chairman of the National Commission, and the acceptance of the report on the technical features of these devices submitted by the experts appointed by the National Commission itself and the Office of the Attorney General of the Republic (PGR).

As instructed by the council, the Office of Chairman of the National Commission is already looking into penal legislation to further safeguard the human right to privacy, under the conditions indicated by the council itself.

Opinions were exchanged broadly and freely with the council. It was kept permanently informed of the activities of the National Commission so that when its decisions were made, they fell within the specific framework of the National Commission's realities and problems. The council's activities during these six months were marked by the establishment of various regulations not provided for in its Rules of Procedure; this is understandable, since it is impossible to foresee every aspect of a new institution that has few forerunners in our country. This is precisely why the council's activities are so important, and I extend my sincerest thanks to its distinguished members for all of the time, enthusiasm, and talent that they are devoting to the National Commission in their honorary positions.

II. COMPLAINTS PROGRAM

1. The Complaints Program was conducted on two fronts during this half year: following up the complaints that had yet to be classified or were still being processed during the June-December 1990 period, and receiving and attending to the complaints submitted from 4 December 1990 to 27 May 1991.

So that the corresponding information is sufficiently clear, this report will present the results of the Complaints Program in accordance with the above distinction and, at the conclusion, give the total annualized numbers for each category.

A) FOLLOW-UP OF THE COMPLAINTS FROM JUNE 1990-DECEMBER 1990

As of 3 December 1990 the program reported that 200 complaint files had not been classified due to insufficient information from the complainant and that 746 files were being processed. The current status of these 946 files is as follows:

a) Complaints not classified owing to insufficient information from the complainant, 6.
b) Complaints being processed, 574.
c) Complaints resolved, 366.
Total: 946

The 366 resolved complaints fall into the following categories:

a) Complaint resolved during its processing or guidance provided to the complainant, 118.
b) Outside the Commission's area of responsibility, unable to give guidance, 90.
c) Complainant withdraw charges, 8.
d) Complainant uninterested in continuing proceedings, 88.
e) Recommendations arising from 34 complaint files, 39.
f) Declaration of nonaccountability of the authority, arising from 20 complaint files, 21.
g) Complaint files combined, 8.
Total: 366

It was duly reported that 33 recommendations were issued from June to December 1990; 17 had been accepted and carried out; 3 had not been accepted; clarifications were made concerning 5 more, and information was said to be lacking in the rest owing to the brief period between their issuance and the submission of the Semiannual Report.

The following can now be reported about these recommendations:

a) Recommendations accepted and with evidence of having been carried out: 17/90, 24/90, 25/90, 27/90, and 32/90.
b) Recommendations accepted and carried out in part: 28/90, 29/90, 30/90, and 31/90.
c) Recommendations accepted but with no evidence of having been carried out: 26/90 and 33/90.
d) Recommendations to which there has been no reply, which is tantamount to nonacceptance: 32/90, as it relates to the Civil-Criminal Lower Court in Pochutla, Oaxaca.

The following bears emphasizing about the recommendations issued from June to December 1990 that were not accepted:

Recommendation 23/90 was addressed to the secretary of communications and transportation and referred to the sinking or disappearance of the vessel Tuxpan. The refusal to reopen the investigation into the fate of the vessel was based on a series of technical arguments that the National Commission is not qualified to evaluate; the commission therefore said that it would request an expert report on which it could base its opinion.

Consequently, two expert reports, not one, were requested; one was done by Captain Lorenzo Gallegos and Antonio Gomez Alor, and the other by Capt. Jorge Morales Dominguez. The two reports agree, to the best knowledge and belief of their authors, that the most likely cause of the ship's disappearance was that it sank because of the prevailing weather in the area and that an "emergency port call" was virtually impossible due to its geographic location.

Once the two expert reports had been submitted, the National Commission summoned the relatives of the crew that had filed the complaint and showed them the findings and all of the documentation in the case file in order to dispel the doubts that had prompted them to ask the National Commission to intervene.

Moreover, in compliance with its obligations, the National Commission offered the complainants whatever legal counsel they might need, inasmuch as no human rights were shown to have been violated in this instance.

As for the two recommendations that were not accepted in the case of Lic. Antonio Valencia Fontes, the National Commission has made its position very clear in several public documents. It will merely reiterate today that given all of the evidence gathered and authenticated by the Federal Public Prosecutor's Office in the case of Sergio Machi, the imprisonment of Mr. Valencia Fontes and his codefendants is a glaring injustice.

As for the recommendations that were subject to clarifications in last semester's report, the following should be noted:

As regards Recommendation 11/90, sent to the attorney general of the republic in the case of citizen Ruben Oropeza Hurtado, the National Commission was told that it had been accepted and that the findings of the investigation that the National Commission has requested to ascertain the responsibility of Federal Judicial Police agents in the torture and death of the individual in question would be disclosed in due time. The findings have not been submitted so far. The National Commission has evidence only that these agents have been temporarily suspended. This recommendation is regarded as accepted, but there is no evidence of its having been carried out.

The previous report stated that Recommendation 19/90, sent to the mayor of Acapulco, was regarded as accepted but would not be reported as carried out until the appropriate compensation was paid to the complainant.

Now that the compensation in question, which was decided on equitably, has been paid during the first half of 1991, the National Commission feels that the recommendation has been duly carried out, with the decisive intervention of the constitutional governor of the State of Guerrero in settling the controversy.

Even though the previous report noted that 17 of the 33 recommendations issued had been accepted and carried out, we should make the following clarifications in our follow-up on each of them:

Recommendation 3/90 was addressed to the citizen attorney general of the republic and called for the dismissal and indictment of a Federal Judicial Police agent as the alleged murderer of Jorge Argaez Perez in the city of Cancun, Quintana Roo. Although the Office of the Attorney General of the Republic has proven that agent

Alejandro San Pedro Garcia has been fired, it has not been possible to arrest him. For this reason the National Commission feels that this recommendation has been carried out in part only.

Recommendation 13/90, concerning the "Palacio de Andonegui" Social Rehabilitation Center in Tampico, Tamaulipas, was sent to the citizen constitutional governor of the State of Tamaulipas. The following clarifications are in order in this regard:

The National Commission concluded that the human rights of the inmates at the prison were clearly being violated, inasmuch as it did not meet minimum operating conditions, in addition to the serious corruption problems involving the authorities themselves inside the prison. Therefore, the National Commission recommended the removal of both the warden of the Social Rehabilitation Center in question and its first commandant.

In this regard, the National Commission learned through the mass media that the first point in this recommendation had been carried out, but at no time has it received an official reply or, therefore, the documents in proof.

The National Commission also recommended "an exhaustive investigation of the alleged crimes that may have been committed and, when appropriate, the indictment of the alleged culprits." In addition, it called for the transfer of the overseers of the "cell blocks" who had been sentenced, to other social rehabilitation centers, inasmuch as their presence in this prison was detrimental to the inmates.

In this regard, we have had no news of any kind to the effect that these points in the recommendation have been carried out, even though a letter was sent to the citizen governor of the state on 8 February reminding him that there had been no official response to the recommendation.

Recommendation 14/90 was sent to the citizen constitutional governor of the State of Tabasco on 24 September 1990; it concerned the murder of Jose Manuel Martinez Ruiz. The government of the State of Tabasco sent documents to prove that most of the points in the recommendation had been carried out; left pending was the gathering of the documentation needed to inform the PGR, on the federal level, of false testimony. On 24 April 1991 this office sent the National Commission a copy of the preliminary inquiry of the Federal Public Prosecutor's Office attached to the Second District Court in the State of Tabasco, an inquiry begun as a result of the allegedly false statements made by the state attorney general during the hearing of the corresponding amparo. It can be gathered from this documentation that the director general of preliminary inquiries of the PGR decided on 24 October 1989 not to bring criminal action. Now that the only pending point in the recommendation has been vouched for, the recommendation can be considered accepted and carried out in all its points. I should indicate, however, that although all of the legal formalities were observed in this case, the National Commission does not regard as just the decision not to bring criminal action, for the reasons set forth in the recommendation itself.

Recommendation 15/90, sent to the citizen constitutional governor of the State of Morelos concerning the murder of District Judge Pedro Villafuerte Gallegos, was accepted by the governor, who reported on 26 February 1991 that the National Commission would be sent the most recent documents on the proceedings that had been conducted as part of the preliminary inquiry, as well as the annexes that are part of the investigation, documents that the National Commission received on 8 March. The feeling is that the recommendation has been carried out in part, although the investigation needs to be speeded up and intensified. The PGR has told the National Commission verbally that it is already preparing to cooperate in this investigation. It is very important to clear up this case because it touches on the security and peace of mind that judiciary officials must enjoy.

As for Recommendation 21/90, sent to the constitutional governor of the State of Guerrero and the mayor of Chilpancingo, although the recommendation was accepted, the argument is that the Office of the State's Attorney General cannot comply with this arrest order because the suspect has been granted an amparo under which the federal justice system will protect him from arrest. After investigating the terms of the amparo in question, the National Commission concluded that it was granted only because the head of the corresponding court was not the one who had issued the order, but rather his acting clerk. The judge requested that the aforementioned judicial decision be reviewed, but as far as we know, no final decision has been made.

The National Commission will not regard this recommendation as altogether carried out until the arrest order, the original or a new one, is executed or else until it is legally demonstrated that an indictment was not in order because the corpus delicti and the presumed guilt were never established.

As for Recommendation 29/90, sent to the citizen attorney general of the republic in reference to the human-rights violations that took place in the town of Aguililla, Michoacan, the recommendation is regarded as accepted but carried out only in part, because the criminal case was dismissed only against citizens Salomon Mendoza Barajas and Javier Rosales, not Magdalena Vera Garcia and Carlos Valencia Morfin. The PGR recently sent various documents that in its opinion prove the guilt of the two defendants. The National Commission is carefully reviewing all of the case documents to develop its response. The PGR did not accept the recommendation either regarding the request for dismissal of the criminal cases against six individuals who are out on bail.

In addition, the National Commission is awaiting the conclusion of the investigations into the likely criminal

responsibility of the Federal Judicial Police and Federal Public Prosecutor's Office agents who were involved in these incidents.

The following list summarizes which of the 33 recommendations from June-December 1990 have been accepted and to what extent they have been carried out:

a) Recommendations accepted, with evidence that they have been carried out: 20—1/90, 2/90, 4/90, 5/90, 6/90, 7/90, 8/90, 10/90, 14/90, 16/90, 17/90, 18/90, 19/90, 20/90, 22/90, 24/90, 25/90, 27/90, 31/90, 32/90.
b) Recommendations not accepted: three—9/90, 12/90, 23/90.
c) Recommendations accepted, with partial evidence of having been carried out: six—3/90, 15/90, 21/90, 28/90, 29/90, 30/90.
d) Recommendations accepted, without evidence that they have been carried out: three—11/90, 26/90, 33/90.
e) Recommendations to which there has been no response, which is tantamount to nonacceptance: two—13/90, and 32/90 regarding the Civil-Criminal Lower Court in Pochutla, Oaxaca.

The follow-up on the 946 complaints that were still being processed or awaiting resolution as of 3 December 1990 is detailed in Annex 1 [a reference to an annex that supplements the semiannual report but is not supplied with this document].

B) DECEMBER 1990-MAY 1991

1. From 4 December 1990 to 27 May 1991, 1,913 complaints were filed.

They were processed as follows:

a) Complaints resolved, 670
b) Complaints that could not be resolved owing to insufficient information from the complainant, 324
c) Complaints still being processed, 919
Total: 1,913

In accordance with the Rules of Procedure of the National Commission, the complaints filed were classified as:

a) Complaints about presumed violations of human rights, 1,073
b) Complaints regarding about which the National Commission does not have jurisdiction, 516
c) Complaints referred to in clause b) of the previous paragraph, 324
Total: 1,913

Moreover, it bears noting that of the 1,913 complaints received, 1,314 are individual and 599 are collective. Regarding the latter, the total number of aggrieved parties is 4,090, it being understood that a quantification is impossible for some files owing to the nature of the aggrieved group, as in the case of Indian communities and ejidos.

As of 27 May 1991, 670 complaints have been resolved under the following headings:

a) Complaint resolved during processing or guidance given to complainant, 188
b) Commission does not have jurisdiction and cannot provide guidance, 373
c) Complaint withdrawn, 10
d) Lack of interest on complainant's part in continuing the proceedings, 74
e) Recommendations arising from nine complaint files, 12
f) Declaration of authority's nonaccountability, three
g) Files combined, 12
Total: 670

As for the cases closed because the National Commission did not have jurisdiction, the causes were as follows:

a) Because there was a final verdict, 142
b) Because substantive judicial matters were involved, 124
c) Because a labor conflict that could be resolved judicially was involved, 58
d) Because a conflict between private citizens was involved, 49
e) Because the organization, administration, or certification of elections was involved, 0
Total: 373

As for the complaints resolved via recommendation, 51 were issued during the period covered by this report, arising from 44 complaint files.

Recommendations were sent to the following authorities the indicated number of times.

1. The attorney general of the republic, 7
2. The constitutional governor of the State of Baja California, 5
3. The attorney general for the Federal District (DF), 4
4. The constitutional governor of the State of Mexico, 4
5. The constitutional governor of the State of Sinaloa, 3
6. The attorney general of the State of Oaxaca, 2
7. The first criminal-court judge of Salina Cruz, Oaxaca, 2
8. The civil-criminal lower-court judge in Miahuatlan, Oaxaca, 2
9. The constitutional governor of the State of Tamaulipas, 2
10. The constitutional governor of the State of Puebla, 2
11. The constitutional governor of the State of Morelos, 2
12. The constitutional governor of the State of Veracruz, 2
13. The constitutional governor of the State of Quintana Roo, 1
14. The constitutional governor of the State of Tabasco, 1
15. The constitutional governor of the State of Jalisco, 1
16. The constitutional governor of the State of Sonora, 1
17. The Federal District Department mayor, 1
18. The secretary of agriculture and water resources, 1

19. The director general of the Commission for the Regularization of Land Tenure, 1
20. The civil-criminal lower-court judge in Tehuantepec, Oaxaca, 1
21. The civil-criminal lower-court judge in Matias Romero, Oaxaca, 1
22. The director general of ISSSTE [Social Security and Services Institute for Government Workers], 1
23. The constitutional governor of the State of San Luis Potosi, 1
24. The chief justice of the Superior Court of Justice of the State of Veracruz, 1
25. The government attorney of the federation, 1
26. The constitutional governor of the State of Guanajuato, 1
27. The chief justice of the Superior Court of Justice of the Federal District, 1
28. The constitutional governor of the State of Zacatecas, 1
29. The constitutional governor of the State of Oaxaca, 1
30. The constitutional governor of the State of Guerrero, 1
31. The director general of penitentiaries of the Federal District, 1

Recommendation 34/90, dated 12 December 1990, was sent to the citizen attorney general of the republic and to the citizen constitutional governor of the State of Mexico and referred to the case of the illegal removal from prison and torture of citizen Atanacio Pablo Ramirez Vazquez. The specific recommendation was that the agent of the Federal Public Prosecutor's Office in charge of Board I in Naucalpan, Juarez, State of Mexico be suspended and, if appropriate, dismissed and indicted and that an investigation to establish responsibility be opened into the Federal Judicial Police agents who removed the complainant from prison and tortured him. It was also recommended that the warden of "Barrientos" prison be investigated and, if appropriate, punished.

Recommendation 1/91, dated 4 January 1991, was sent to the citizen attorney general of the republic and had to do with the case of the torture and murder by Federal Judicial Police agents of Pedro and Felipe Yescas Martinez. The recommendation was that an investigation be conducted to clarify responsibility within the group of commanders, police agents, Federal Public Prosecutor's Office agents, and physicians who were involved in the events, that they be suspended and, if appropriate, dismissed and indicted on criminal charges. It was also recommended that the criminal action that was being brought against the agents already on trial for homicide be broadened.

Recommendation 2/91, dated 17 January 1991, was sent to the citizen constitutional governor of the State of Tamaulipas in reference to the case of citizen Juan Martin Covarrubias Cerda and, in general, of "La Loma" prison in Nuevo Laredo, Tamaulipas. The recommendation was that the preliminary inquiry into the complainant's report be speeded up; that the personnel at the prison be investigated in connection with the illegal actions that were observed, and that the necessary steps be taken to begin operations at the new prison as soon as possible.

Recommendation 3/91, of 23 January 1991, was sent to the citizen attorney general of the republic and concerned the murders of Erick Dante, Jaime Mauro, and Hector Ignacio Quijano Santoyo. The recommendation was that a preliminary inquiry be opened, exhausting every technical, legal, and human resource, to establish the actual circumstances under which the events took place, an investigation of a group of Federal Judicial Police agents being necessary to this end; that while this investigation was going on, the agents implicated be suspended, and that if the investigation should determine that they were responsible, appropriate criminal action be brought against them.

Recommendation 4/91, of 25 January 1991, was sent to the citizen constitutional governor of the State of Mexico and had to do with the violence in the town of Tejupilco. The recommendation was that the investigation be continued into the five activists of the Party of the Democratic Revolution (PRD); that an investigation be opened into two commanders of the Municipal Police and other agents of the same body who were involved in the incident, and that the investigation be broadened, simply because the municipal leaders of the aforementioned political party were under suspicion.

Recommendation 5/91, dated 31 January 1991, was sent to the citizen constitutional governor of the State of Morelos concerning the disappearance of citizen Jose Ramon Garcia Gomez. The recommendation was that the file of the corresponding preliminary inquiry be removed from confidential status, that the investigations continue, and that the theories about his disappearance or absence be developed further, particularly the ones emphasized in the recommendation, which relate to certain present and former public servants and police bodies.

Recommendation 6/91, of 6 February 1991, was sent to the citizen constitutional governor of the State of Baja California and referred to the case of citizen Eduardo Jimenez Gonzalez. The recommendation was that the head of court-appointed defense counsels attached to the criminal courts in Tijuana, Baja, California be investigated and, if appropriate, fired.

Recommendation 7/91, of 6 February 1991, was sent to the citizen constitutional governor of the State of Puebla and concerned the injuries suffered by citizen Ruben Sarabia Sanchez in the prison there. The recommendation was that appropriate measures be taken immediately to end the isolation and solitary confinement of the complainant and to prevent further acts of nuisance against him.

Recommendation 8/91, of 12 February 1991, was sent to the first civil-criminal lower-court judge in Tehuantepec, Oaxaca and concerned the fact that the constitutional

time period for the trials of Zapotec Indians Gerardo Gasca Martinez and Arcadio Ortiz had been overstepped. The recommendation was that a verdict in keeping with the law be handed down as soon as possible.

Recommendation 9/91, of 14 February 1991, was sent to the citizen constitutional governor of the State of Quintana Roo and involved the case of citizen Addy Ruth Duran Gomez. The recommendation was that an exhaustive investigation be conducted into the events that gave rise to the preliminary inquiry begun pursuant to the complainant's charges.

Recommendation 10/91, of 15 February 19, was sent to the citizen constitutional governor of the State of Mexico and to the citizen attorney general for the Federal District and concerned the murder of the man who bore the name Francisco Javier Enriquez Pena. The recommendation was that without detriment to the autonomy of each of the entities, the Offices of Attorney General of the State of Mexico and for the Federal District establish a mechanism for communication and cooperation so as to continue and complete the preliminary inquiries into this homicide.

Recommendation 11/91, of 15 February 1991, was sent to the citizen constitutional governor of the State of Tabasco and concerned the murder of Alejandro Delgado Garcia. The recommendation was that responsibility be determined among the medical experts who performed the autopsy on him and that an investigation be conducted into the agents of the State General Directorate of Transit who were involved in the events.

Recommendation 12/91, of 4 March 1991, was sent to the citizen chief of the Department of the Federal District (DDF) and concerned the Medical Center of Federal District Prisons. The recommendation was that a new penitentiary, the Women's Rehabilitation Center of the Federal District, be opened; that the building now occupied by the Women's Social Rehabilitation Center of the Federal District be remodeled to serve as the Medical Center of Prisons; and that the inmates at the various preventive prisons and social rehabilitation centers who are of diminished criminal capacity or are ill be transferred to this Medical Center in due time.

Recommendation 13/91, of 4 March 1991, was sent to the director general of the Commission for the Regularization of Land Tenure and concerned the case of citizen Cleofas Cano Acosta. The recommendation was that the complainant be given a plot similar to the one of which she had been deprived or, if appropriate, that she be awarded a sum of money equal to the value of the land of which she had been dispossessed.

Recommendation 14/91, of 6 March 1991, was sent to the citizen secretary of agriculture and water resources and referred to the case of citizen Renan Burgos Concha, who had been illegally suspended from his job. The recommendation was that since a final verdict had been handed down in the case, the suspension that had applied to him since 1 October 1969 be immediately lifted and that he be paid the wages due him since then.

Recommendation 15/91, of 8 March 1991, was sent to the citizen attorney general for the Federal District and concerned the torture and murder of Ricardo Lopez Juarez. The recommendation was to broaden the criminal action brought for the crime of murder against the special prosecutor who heard the case to prepare a severance of actions for the PGR so that, if appropriate, criminal action can be brought for the crime of torture against various civil servants; to continue the investigation; to clarify responsibilities among the officials and employees at Norte Preventive Prison, and to bring criminal action against them if sufficient evidence is gathered.

Recommendation 16/91, of 15 March 1991, was sent to the citizen constitutional governor of the State of Baja California and to the citizen attorney general of the republic and concerned the murder of Sergio Machi Ramirez. The recommendation was to conduct all necessary inquiries to ascertain the facts, including an investigation into personnel of the Federal Judicial Police.

Recommendation 17/91, of 18 March 1991, was sent to the citizen attorney general of the republic and had to do with the case of the illegal arrest and wrongful indictment of citizen Jorge Enrique Toledo Coutino. The recommendation was to file for dismissal of the corresponding criminal case; to lift the order impounding the newspaper of which the complainant is owner; to begin a preliminary investigation of the agents of the Federal Public Prosecutor's Office and of the Federal Judicial Police who were involved in the events, and if appropriate, to dismiss and indict them.

Recommendation 18/91, of 2 April 1991, was sent to the citizen attorney general of the State of Oaxaca and the first criminal-court judge in Salina Cruz, Oaxaca and had to do with the Huave, Zapotec, and Chontal Indians Luciano Avendano Hinojosa, Sergio Ramirez Luna, and Eugenio Hernandez Laguna, respectively, whose criminal trials have far overstepped the constitutional time periods for the handing down of verdicts. The recommendation was to speed up the return of court files; to have the Federal Public Prosecutor's Office draw up the appropriate findings, and to issue a verdict in accordance with the law as soon as possible.

Recommendation 19/91, of 2 April 1991, was sent to the citizens attorney general of the State of Oaxaca and the civil-criminal lower-court judge in Miahuatlan, Oaxaca and referred to the case of Indians Teofilo Hernandez Santos and Margarito Osorio Santiago, who are of Chinantecan and Zapotec origin, respectively, and whose criminal trials have exceeded the constitutional time periods for a verdict. The recommendation was that the Federal Public Prosecutor's Office proceed more quickly in formulating its findings and that a verdict be handed down in accordance with the law as soon as possible.

Recommendation 20/91, of 2 April 1991, was sent to the citizen civil-criminal lower-court judge of Miahuatlan, Oaxaca and referred to the case of Indians Luis Osorio Perez, Antonio Gijon Garcia, Angel Gijon Garcia and Isaac Pablo Ruiz Perez, all of them of Mixtec origin, whose criminal trials had exceeded the constitutional time periods for a verdict. The recommendation was that the pending proceedings be hastened and a ruling handed down in accordance with the law as soon as possible.

Recommendation 21/91, of 4 April 1991, was sent to the citizen civil-criminal lower-court judge of Salina Cruz, Oaxaca and concerned the case of Indians Marcial Nolasco Martinez and Alberto Vazquez Beltran, both of Zapotec origin, whose criminal trials have exceeded the constitutional time periods for a verdict. The recommendation was to hasten the preliminary-investigation stage and to hand down a verdict as soon as possible.

Recommendation 22/91, of 4 April 1991, was sent to the citizen attorney general for the Federal District and concerned the case of citizen Guillermo Cejudo Cortes, who had been the victim of an illegal arrest and filed criminal charges as a result. Criminal action was not brought against the agents of the Federal District Judicial Police who had illegally arrested and intimidated him, however. The recommendation was to open an internal investigation to determine the responsibility of the Federal District Judicial Police agents and, if appropriate, to bring criminal action against them for the crime of abuse of authority.

Recommendation 23/91, of 5 April 1991, was sent to the citizen attorney general for the Federal District and concerned the case of citizen Adriana Torres Gutierrez, who had been illegally arrested and tortured by agents of the Federal District Judicial Police. Moreover, several of her possessions were unjustifiably impounded. The recommendation was to remove the seals around her property and to complete the preliminary inquiry into the agents of the Federal District Judicial Police who had been involved in the incident.

Recommendation 24/91, of 5 April 1991, was sent to the citizen attorney general of the republic and concerned the case of citizen Tomas Medina Vargas, who had been illegally arrested by Federal Judicial Police agents on false criminal charges and then jailed without any grounds whatsoever, inasmuch as his conduct entailed only an administrative infraction. The recommendation was to conduct a criminal and administrative investigation of the agents involved and, if appropriate, to apply to them the appropriate penalties under the Federal Law of Responsibilities of Public Servants.

Recommendation 26/91, of 9 April 1991, was sent to the citizen constitutional governor of the State of Jalisco and concerned the human-rights violations that are being committed at the Social Rehabilitation Center in Juanacatlan, Jalisco when the visiting relatives of inmates are subjected to strip searches. The recommendation was that such searches be suspended immediately and that suitable, modern equipment be acquired to conduct them.

Recommendation 27/91, of 9 April 1991, was sent to the citizen constitutional governor of the State of Sonora and concerned the murder of Guillermo Porfirio Nunez Burciaga. The recommendation was to intensify the investigations into the case; to open an investigation to ascertain why the State Judicial Police have not conducted the inquiries needed to clarify the facts, and, if guilt is found, to enforce the appropriate law.

Recommendation 28/91, of 9 April 1991, was sent to the citizen constitutional governor of the State of Baja California and concerned the case of citizen Manuel Tito Castaneda Michel, who although he could not be charged because he was underage at the time of the events, was sent to "La Mesa" State Penitentiary in Tijuana, Baja California. The recommendation was to have him transferred to a specialized center or institution where he could recover and to look into his legal status under the provisions of the law creating the Baja California State Department of Orientation and Reeducation for Minors Displaying Antisocial Conduct.

Recommendation 29/91, of 19 April 1991, was sent to the citizen constitutional governor of the State of Tamaulipas and concerned the Social Rehabilitation Center in Reynosa. The recommendation was that the irregularities reported by the inmates and verified by the National Commission task force be investigated exhaustively so that the Law of Responsibilities of Public Servants can be enforced against any and all guilty parties. It was also recommended that urgent measures be taken to comply with Articles 18, 19, and 20 of the constitution, as well as the provisions of the Law of Minimum Standards for the Social Rehabilitation of Convicts. In conclusion, it was recommended that construction work be accelerated on Reynosa's new prison.

Recommendation 30/91, of 19 April 1991, was sent to the citizen constitutional governor of the State of Baja California and concerned the murder of the Miranda Ibarra brothers, Mario and Sabino, who were slain in the city of Tijuana in February 1990; to date, the corresponding preliminary inquiries have not been completed, nor have the facts been cleared up, nor have the culprits been identified. The recommendation was that a special prosecutor be appointed to handle the preliminary inquiries under way, that they be combined because the events are closely related, that all necessary steps be taken to clear up the facts, and if appropriate, that criminal action be brought against the alleged culprits.

Recommendation 31/91, of 23 April 1991, was sent to the citizen judge of the second civil-criminal lower court in Matias Romero, Oaxaca and concerned the cases of citizens Abelardo Garcia Antonio, Abel Jacobo Rosas, Amelia Rincon Andres, Hermenegildo Arnulfo Tomas, Antonio Soriano Lopez, Pedro Castro Moreno, Florentino Felipe Diego, Gilberto Hernandez Vazquez, and

Eucario Pimentel Zacarias, all of them of Zapotec and Mixe origin; their criminal trials have exceeded the constitutional time periods for verdicts. The recommendation was that the preliminary-investigation stage be accelerated in all cases and that verdicts be handed down as soon as possible.

Recommendation 32/91, of 23 April 1991, was sent to the citizen constitutional governor of the State of Baja California and referred to the case of Mr. Marcial Rojas Lazaro, a Peruvian who was tortured by the agents of the State Judicial Police who arrested him. The recommendation was that an investigation be conducted into the circumstances under which the complainant was arrested and interrogated and into the agents who were involved; it was also recommended that, if appropriate, the culprits be suspended, dismissed, and prosecuted.

Recommendation 33/91, of 29 April 1991, was sent to the citizen director general of ISSSTE and concerned the case of citizen Humberto Michel Vazquez Lara, who has been unjustifiably suspended as a "physician anesthesiologist" at the institute and has not been reinstated in the job that is legally his even though he has a final and favorable judicial ruling on his side. The recommendation was that the complainant be reinstated immediately under the terms of the final ruling so ordering and that the remuneration that is legally his be paid him.

Recommendation 34/91, of 30 April 1991, was sent to the citizen constitutional governor of the State of Veracruz and concerned the murder of newsman Javier Juarez Vazquez in May 1984. The preliminary inquiry has not been completed; the facts have not been cleared up, and the culprits have yet to be identified. The recommendation was to continue and complete the preliminary inquiry and to have the Judicial Police conduct whatever investigations are necessary to clear up the murder.

Recommendation 35/91, of 30 April 1991, was sent to the citizen constitutional governor of the State of Puebla and concerned the case of journalist Emilio Santiago Alvarado, who in March 1985 was the victim of a murder that has not yet been cleared up. The recommendation was to continue and conclude the preliminary inquiry and to conduct the judicial police investigations, which had obviously not been, and to submit a report on their findings.

Recommendation 36/91, of 30 April 1991, was sent to the citizen constitutional governor of the State of San Luis Potosi and concerned the case of journalist Armando Sanchez Herrera, who was murdered in April 1989. Although the culprit has been identified, he has not been apprehended. The recommendation was that the State Judicial Police use every legal means at their disposal to locate and arrest the alleged murderer and eventually send him to prison in the custody of the civil-criminal lower-court judge of the Rioverde judicial district, who so ordered.

Recommendation 37/91, of 7 May 1991, was sent to the citizen constitutional governor of the State of Sinaloa and concerned the murder of Mr. Hector Odilon Lopez Lopez, the son of journalist Odilon Lopez Urias. Although the murder took place in March 1986, the case has not been cleared up, nor have the culprits been identified. The recommendation was to continue and conclude the preliminary inquiry into the events and to form an ad-hoc group of agents of the state's police force to conduct an exhaustive investigation into the events until the alleged perpetrators are identified and appropriate criminal action brought against them.

Recommendation 38/91, of 7 May 1991, was sent to the citizen chief justice of the Superior Court of the State of Veracruz and concerned the case of citizen Ruben Cruz Sagastume, whose criminal trial had exceeded the constitutional time period for a verdict. The recommendation was to accelerate the pending proceedings and to hand down a verdict in accordance with the law as soon as possible. Another order was issued to conduct an investigation into the conduct of the first lower-court judge in Tuxpan de Rodriguez Cano, Veracruz in relation to this case and, if wrongdoing is found, to proceed in accordance with the law.

Recommendation 39/91, of 14 May 1991, was sent to the citizen attorney general of the federation and concerned the case of Mr. Enrique Leonardo Miselen Manzi, a Mexican-born resident of the United States of America, who was illegally deprived of the use of his automobile by personnel from the Federal Tax Administration of the State of Oaxaca. The recommendation was to conclude the corresponding proceedings and, as soon as possible, to remove his vehicle from impoundment.

Recommendation 40/91, of 14 May 1991, was sent to the citizen constitutional governor of the State of Sinaloa and concerned the case of journalist Odilon Lopez Urias, who was murdered in that state in 1986. In spite of the time that has passed, the preliminary inquiry has not been properly completed, and therefore the events have not been cleared up nor have the alleged culprits been identified. The recommendation was to continue and complete the preliminary inquiry; to set up an ad-hoc group of State Judicial Police agents to conduct the necessary investigations; to identify the perpetrators, and to bring the appropriate criminal action against them.

Recommendation 41/91, of 15 May 1991, was sent to the citizen constitutional governor of the State of Guanajuato and concerned the conditions at Salgado State Penitentiary in the city of Guanajuato. The recommendation was to take the necessary steps to separate those standing trial from convicted felons and men from women; to give priority to the construction of Guanajuato's Social Rehabilitation Center, and to establish appropriate arrangements so that a medical group can be assigned to the penitentiary.

Recommendation 42/91, of 15 May 1991, was sent to the citizen constitutional governor of the State of Mexico and concerned the murder of Enrique Ramirez Palacios. The incident took place in April 1990, and the perpetrators have not yet been identified. The recommendation was to conduct a thorough investigation of the events, to broaden the inquiry, and to submit the corresponding police reports until the culprits are identified and appropriate criminal action is brought against them.

Recommendation 43/91, of 20 May 1991, was sent to the citizen constitutional governor of the State of Morelos and concerned the murder of journalist Eliseo Moran Munoz. The incident during which he lost his life took place in 1983, despite which time the murder has not been cleared up. The recommendation was to continue and complete the preliminary inquiry; to conduct an exhaustive investigation into the events, and to make Judicial Police reports and all evidence that emerges available to the Federal Public Prosecutor's Office.

Recommendation 44/91, of 21 May 1991, was sent to the citizen chief justice of the Superior Court of the Federal District and concerned the case of citizen Elizabeth Aurora Gonzalez Chavez, who has been on trial for more than four years without a verdict having been handed down. The recommendation was to speed up the proceedings and, as soon as possible, to render the proper decision according to law, as well as to begin an administrative proceeding of accountability to determine the mistakes that the staff of the 19th Criminal Court of the Federal District have made.

Recommendation 45/91, of 22 May 1991, was sent to the citizen constitutional governor of the State of Sinaloa and concerned the case of journalist Roberto Ornelas Reyes, who was murdered in 1985, in spite of which the facts have not been cleared up, the preliminary inquiry completed, or the alleged culprits identified. The recommendation was to continue the investigation into the incident; to identify the alleged culprit or culprits, and to place all of the evidence obtained as a result of this investigation in the custody of the agent of the Federal Public Prosecutor's Office attached to the Second Court of the Criminal Branch.

Recommendation 46/91, of 22 May 1991, was sent to the citizen constitutional governor of the State of Zacatecas and concerned the case of Mr. Juan Manuel Zamarripa Patino, who was illegally arrested in the State of Aguascalientes by agents of the Judicial Police of Zacatecas. The recommendation was to open the administrative proceeding of accountability to determine the mistakes made by the citizen agents of the Judicial Police of the State of Zacatecas who arrested him and by the director general of the Judicial Police and to apply the proper penalties under the law.

Recommendation 47/91, of 23 May 1991, was sent to the citizen constitutional governor of the State of Oaxaca and concerned the case of Mr. Mariano Rodriguez Ramos, who was wounded and illegally apprehended by agents of the Salina Cruz Municipal Police. Although the latter were charged with abuse of authority, the preliminary inquiry was never completed. The recommendation was to complete the inquiry and to prosecute the alleged culprits.

Recommendation 48/91, of 23 May 1991, was sent to the citizen constitutional governor of the State of Guerrero and referred to the case of the community of Tierra Colorada in the municipality of Malinaltepec. On 24 May 1989 this community was attacked by residents of the town of Tilapa, with a toll of four dead and 12 wounded. To date the preliminary inquiry has not been completed, and action has not been taken against those responsible.

The recommendation was to conduct a thorough investigation into the events; to broaden the inquiry of the Federal Public Prosecutor's Office of common jurisdiction, and to bring criminal action against those responsible. In addition, there was a recommendation to order pertinent measures to prevent the public safety and social peace from being disturbed in the towns of Tilapa and Tierra Colorada.

Recommendation 49/91, of 24 May 1991, was sent to the general director of prisons and social rehabilitation centers of the Federal District and referred to the case of Mr. Jose Bernardino Coronel Martinez, who as a security measure was ordered committed for a period not to exceed eight years for psychiatric treatment in the institution that the executing authority indicated.

Inasmuch as it was found that the aggrieved party is an inmate in Santa Martha Acatitla Prison and has not to date received the psychiatric treatment ordered by the judge, the recommendation was to transfer him immediately to an institution in which he can receive such psychiatric medical care.

Recommendation 50/91, of 24 May 1991, was sent to the citizen constitutional governor of the State of Veracruz and concerned the murder of Jose del Carmen Llergo Totosaus. The recommendation was to execute the arrest warrants issued for the alleged perpetrators of the murder and to investigate, dismiss, and, if appropriate, bring criminal action against a former commander of the State Judicial Police for his negligence during the investigation of the incident.

Aside from the Council's agreement on the conditions for accepting the recommendations, an agreement that has helped remarkably in hastening responses to the recommendations that the National Commission makes, it is only fair to mention that certain authorities that have received these recommendations have proceeded with true dispatch in accepting and carrying them out. Deserving of special mention are the cases of the Honorable Superior Court of Justice of the Federal District, the constitutional governor of the State of Baja California, the constitutional governor of the State of Jalisco, the constitutional governor of the State of Mexico, the

secretary of agriculture and water resources, the chief of the DDF, and the director general of ISSSTE.

The following is the current status of the 51 recommendations issued during these six months:

a) Recommendations accepted, with evidence that they have been carried out:

34/90 as regards the constitutional governor of the State of Mexico; 4/91; 6/91; 8/91; 9/91; 10/91, exclusively in reference to the constitutional governor of the State of Mexico; 11/91; 12/91; 14/91; 15/91; 18/91; 19/91, exclusively in reference to the Office of the Attorney General of the State of Oaxaca; 20/91; 21/91; 26/91; 33/91, and 44/91. Seventeen recommendations in all.

As for Recommendation 6/91, the citizen constitutional governor of the State of Baja California accepted it, and we have confirmed that the investigation we requested has been undertaken into the conduct of the coordinator of court-appointed defense counsels attached to the Tijuana courts, who also served as an aide to the Federal Public Prosecutor's Office.

As for the judicial lacunae that exist in various areas of the country with respect to the regulation of court-appointed defense counsels, the National Commission will draw up a study that in due time may be regarded as a model for legislation so that conflicts of interest such as the one in question can be prevented.

As for Recommendation 12/91, the citizen mayor of the DDF sent a particularly lengthy and punctual response accepting it. Due to the very nature of the recommendation, however, which calls for construction work to be done, evidence of compliance cannot possibly be submitted within 30 calendar days.

b) Recommendations not accepted: 2; 7/91 and 10/91, relating to the Office of the Attorney General for the Federal District.

As for Recommendation 7/91, the National Commission received a copy of a report signed by the director of the Social Rehabilitation Center of the State of Puebla and sent to the citizen interior secretary of the state, concerning the status of inmate Ruben Sarabia Sanchez, alias Simitrio. The report states that the inmate in question has not been isolated or segregated and that he is staying in the intimate-visits area at his own request. It adds that there is nothing standing in the way of more people visiting him and that the security service in the intimate-visits area would have to continue "because it is indispensable in maintaining institutional order, though this will not be a nuisance to Ruben Sarabia Sanchez or be an invasion of his privacy."

In order to ascertain whether this recommendation had actually been accepted and carried out, on 15 May 1991 an official from the National Commission, accompanied by Mr. Ruben Sarabia Sanchez' attorneys, showed up at the Social Rehabilitation Center in the city of Puebla. The attorneys and the official from the National Commission requested permission to visit him. All were allowed in, except the attorney from the National Commission, who was expressly told that Sarabia Sanchez was being held in the area called V.I. 2 (intimate visits), which was a restricted area, and that therefore only the individuals on a special list that the guards had were allowed to enter. The refusal was confirmed by the assistant director of security of the Social Rehabilitation Center, even though it was explained to him that the petitioner had authorization from the inmate's attorneys to interview him. It should be noted that in order to confirm that Mr. Sarabia Sanchez was being held in isolation and having his visits restricted, the official from the National Commission identified himself exclusively as a candidate attorney [abogado postulante].

It can be gathered from all of the above that the recommendation was not accepted.

Recommendation 10/91 was not accepted by the Office of Attorney General for the Federal District. The government of the State of Mexico accepted its terms and has kept the National Commission continuously informed of the progress of its investigations.

Given that the circumstances under which Francisco Javier Enriquez Pena was slain had not been cleared up, since the body of the deceased had been found in an area of the State of Mexico that borders on the Federal District, and since the attorney generals' offices of the two territories were both investigating the incident (the crime of murder in one case and a missing person in the other), the National Commission recommended that the two attorney generals' offices and the respective Judicial Police forces implement arrangements for communication and cooperation until the preliminary inquiries were completed.

The Office of Attorney General for the DF did not accept the recommendation of the National Commission, employing technical arguments with which the commission does not agree.

Nevertheless, the Office of Attorney General for the DF has, in fact, conducted the investigations that were regarded as essential in Mexico City and that were spelled out in the text of the recommendation. In other words, this office did not accept the recommendation but proceeded as if it had.

c) Recommendations accepted, with partial evidence of their having been carried out:

34/90, with regard to the Office of the Attorney General of the Republic; 3/91; 5/91; 13/91; 16/91; 17/91; 19/91, exclusively as regards the civil-criminal lower-court judge in Miahuatlan, Oaxaca; 22/91; 23/91; 24/91; 27/91; 31/91; 32/91; 34/91; 35/91; 36/91; 38/91, and 42/91. Eighteen recommendations in all.

As for recommendation 34/90, the PGR has proved that it has complied with most of its points. Nonetheless,

some matters have yet to be taken care of as part of the investigation that the Internal Comptroller's Office is conducting to determine the degree of accountability of various civil servants in this office in connection with the violations of the human rights of citizen Atanacio Pablo Ramirez Vazquez.

As for Recommendation 3/91, the PGR has shown that it has been conducting the recommended investigation into the manner in which the Quijano Santoyo brothers lost their lives, although to date it has not reported whether there have been findings.

As regards Recommendation 5/91, concerning the disappearance of citizen Jose Ramon Garcia Gomez, the citizen governor of the State of Morelos ordered the file removed from confidential status and the special prosecutor's office to conduct the recommended investigation. According to the reports we have received, the investigation is, in fact, under way, although our feeling is that it must be hastened.

Regarding Recommendation 13/91, the director general of the Commission for the Regularization of Land Tenure accepted the recommendation to compensate the complainant for the value of the lot that was the object of the dispute. However, the amount that he intends to give the complainant is less than what the National Commission regards as just. Therefore, an investigation is under way into the actual value of the lot of which the complainant was dispossessed so that an agreement can be reached in due time on a proper amount.

As for Recommendation 16/91, sent to the citizens constitutional governor of the State of Baja California and the attorney general of the republic, in connection with the murder of Sergio Ramirez, both officials have accepted it, and the suggested actions are being taken. The attorney general of that state has told us over the telephone that the investigation is almost over.

As to Recommendation 17/91, addressed to the citizen attorney general of the republic in the case of newsman Jorge Enrique Toledo Coutino, he has accepted it and shown that he has filed for dismissal of the criminal case in question; the report on the investigation by the agency's Internal Comptroller's Office into the accountability of various civil servants from that institution is still pending.

As for Recommendation 19/91, the judge has agreed to hand down a verdict as soon as physically and legally possible. Therefore, it has been classified as partially carried out, but without evidence thereof until a copy of the verdict in question is sent to the National Commission.

As for Recommendation 22/91, addressed to the attorney general for the DF in connection with the complaint filed by Mr. Guillermo Cejudo Cortes, the Attorney General's Office has agreed to most of its points and has demonstrated compliance.

The status of Recommendation 23/91, also sent to the citizen attorney general for the DF and having to do with the violation of the human rights of citizen Adriana Torres Gutierrez, is similar to the previous one.

Recommendation 24/91, addressed to the citizen attorney general of the republic in connection with the case of citizen Arcadio Perez Luis, has for the most part been carried out. Nevertheless, we have yet to see the findings of the investigation by the agency's Internal Comptroller's Office into the accountability of civil servants from that attorney general's office.

As for Recommendation 31/91, addressed to the second civil-criminal lower-court judge in Matias Romero, Oaxaca, he agreed to accelerate the criminal trials in question and sent in one of the eight verdicts the issuance of which was recommended.

As regards Recommendation 35/91, sent to the citizen constitutional governor of the State of Puebla, he has demonstrated compliance with most of its points. What remains is for us to learn of the outcome and findings of the preliminary inquiry and of the investigations that are now being conducted.

As for Recommendations 27/91, 32/91, 34/91, 36/91, 38/91, and 42/91, the first evidence is in, and the National Commission feels that given their date of issuance the deadline for proof of total compliance has not yet expired.

d) Recommendations accepted without evidence of having been carried out: 7; 1/91; 25/91; 28/91; 30/91; 37/91; 40/91, and 41/91

As for Recommendation 1/91, on 24 April 1991 the PGR sent in the findings of the investigation that it had conducted into the death of Pedro Yescas Martinez and the wounding of Felipe Yescas Martinez. According to this investigation, which was limited mainly to the causes of Pedro Yescas Martinez' death, his demise was not due to trauma suffered during his detention but rather to a myocardial infarction caused by his prior state of health. It should be emphasized that besides the medical report issued by experts from the Attorney General's Office, it also requested a separate expert report from the Forensic Medicine Service, a branch of the Superior Court of Justice of the Federal District. This report agrees with that of the PGR and differs from the one that the physicians with the Attorney General's Office of the State of Durango issued at the time.

By virtue of the discrepancies among the medical reports and accepting the PGR's request to develop "new sources of information," the National Commission has officially asked the National Institute of Cardiology to review all of the documentation that the National Commission has available, to conduct the examinations that it deems appropriate, and in due time, to issue a report on which the National Commission can base a judgment.

In the case of Recommendation 25/91, sent to the citizen attorney general of the republic, we have confirmed that the Internal Comptroller's Office of the PGR has begun the recommended investigation. However, we have not yet seen the final results so as to ascertain the accountability of the civil servants who violated the human rights of citizen Tomas Medina Vargas.

Recommendations 28/91, 30/91, 37/91, 40/91, and 41/91 have not yet reached the deadline for submission of evidence that they have been carried out.

e) Recommendations to which there has been no response, which is tantamount to their nonacceptance: 2; 2/91 and 29/91

As for Recommendation 2/91, relating to La Loma Penitentiary Center in Nuevo Laredo, Tamaulipas, the authorities reported over the phone that they had carried it out, but so far the corresponding official document has not been received.

There has been no news whatsoever about Recommendation 29/91. I would like to emphasize here that the attitude of the Tamaulipas government is very odd. It has never replied officially to any of the three recommendations sent, and as indicated later on, two agencies of that government head the list of authorities that have failed to send in their reports. Moreover, its position on the Program of Journalists Grievances, which we duly report on, is incredible.

f) Recommendations that still have time for a reply: 8; 39/91; 43/91; 46/91; 47/91; 48/91; 49/91; and 50/91.

2. Documents of Nonaccountability

The National Human Rights Commission has sent out 24 documents of nonaccountability to various authorities that complainants had identified as alleged human rights violators.

In these cases a complaint was received, an investigation was conducted, and the conclusion from the evidence gathered was that the complaint was groundless. In such situations the National Commission sends the authority accused of a human-rights violation a document of nonaccountability that refers exclusively to that specific case and does not extend to any other complaint.

Of these documents of nonaccountability, five were sent to the attorney general for the DF; four to the constitutional governor of the State of Hidalgo; two to the constitutional governor of the State of Tabasco; two to the Undersecretariat of the Interior in charge of migratory affairs; one to the constitutional governor of the State of Baja California; two to the constitutional governor of the State of Mexico; one to the constitutional governor of the State of Queretaro; one to the constitutional governor of the State of Tlaxcala; one to the constitutional governor of the State of Oaxaca; one to the constitutional governor of the State of Chiapas; one to the director general of Pemex [Mexican Petroleum]; one to the warden of the Tetela de Ocampo, Puebla Municipal Prison; one to the criminal judge in the judicial district of Tetela de Ocampo, Puebla; and one to the mayor of Jantetelco, Morelos.

A summary of these documents can be found in Annex 2 [a reference to an annex supplementing the semiannual report but not supplied with the document].

3. Amicable Settlement and Mediation

Amicable settlement and mediation represent a very important method of resolving complaints that are filed. In these cases the National Commission receives the complaint, requests a report from the authority being accused, assesses the evidence, and if it feels that the complaint can be resolved through these methods, expresses its view to the authority. If the authority accepts its view, the opinion of the complainant is sounded out.

The following requirements must be present in order for this arrangement to work:

a) The violations must not be major ones, for example involving the right to life, torture, solitary confinement, false accusations, etc.
b) The alleged wrongdoing by the public servant must not be marked by criminal intent.
c) The complainant and the authority must altogether voluntarily express their desire to settle the problem in the manner proposed by the National Commission.

During the past six months 14 task forces of attorneys were organized and either visited various states of the republic or received various state representatives at the National Commission to discuss amicable settlements.

The following were the states and federal agencies with which such work was performed:

Institution (in alphabetical order)	Files Submitted	Concluded	Pending	Amicable Settlement Not Accepted
1. State of Baja California	8	6	2	0
2. State of Chiapas	49	29	18	2
3. State of Guanajuato	25	10	13	2
4. State of Guerrero	18	6	8	4
5. State of Hidalgo	35	21	11	3
6. State of Jalisco	20	5	12	3
7. State of Mexico	30	9	21	0
8. State of Morelos	9	1	2	6
9. State of Oaxaca	37	12	13	12
10. State of Puebla	26	18	5	3
11. State of San Luis Potosi	11	3	8	0
12. State of Sinaloa	8	2	6	0
13. State of Sonora	8	0	2	6
14. State of Tabasco	8	2	6	0
15. State of Tlaxcala	6	1	3	2
16. State of Veracruz	36	16	20	0
17. Attorney General for the DF	35	24	11	0
18. Secretariat of National Defense	14	9	2	3
Totals	383	174	163	46

The rest of the states were not visited because no such complaints that could be amicably settled were received or because the work load prevented a task force of attorneys from being organized.

The complaints that have been settled amicably so far are listed in this report's statistics under the heading "resolved during processing or guidance provided to complainant."

This procedure is regarded as very important because of how quickly and smoothly complaints are resolved. Special attention will be given to it during the next semester.

4. The complaints lodged during the second semester (December 1990 to May 1991) and their follow-up appear in Annex 3 of this report [supplementary annex not furnished with this document]. That is to say, anyone interested in learning about each and every one of the complaints submitted and in seeing a summary of their current status will find such information in this annex; it specifies the jurisdiction that applies to the complaint, a determination of whether or not a human-rights violation is involved, the nature of the complaint, and its current status. In other words, this annex summarizes and makes public the information that is contained in the National Commission's computer. Therefore, anyone interested can find information about all, absolutely all of the complaints.

Under the regulations, the annex omits the names of the complainants and aggrieved parties.

During the period covered by this report, complaints were lodged with the National Commission in the following ways:

a) By letter: 1,435
b) In person: 473
c) Through publication in the press: 5

5. Regarding the 1,073 complaints that were classified as presumably involving human-rights violations on the exclusive basis of the original information supplied by the complainant, the following authorities were involved: in 471 cases federal authorities, and in 548 state authorities. It has been impossible to identify the authorities accused in the rest of the cases.

6. The number of authorities charged with human-rights violations during the six-month period of this report reached 313. These are the authorities originally charged by the complainants in their initial documents, and many of them are still under investigation in an effort to confirm whether they did indeed violate human rights.

The 10 authorities mentioned most often by complainants as alleged violators of human rights are:

1. The PGR-Federal Judicial Police, 264 times
2. The Office of Attorney General for the DF-Judicial Police of the DF, 90 times

3. The Office of Attorney General of the State of Mexico-Judicial Police of the State of Mexico, 34 times
4. The Secretariat of Agrarian Reform, 34 times
5. The Secretariat of National Defense, 27 times
6. The Office of Attorney General of the State of Chiapas-Judicial Police of the State of Chiapas, 26 times
7. The Office of Attorney General of the State of Veracruz-Judicial Police of the State of Veracruz, 20 times
8. The Office of Attorney General of the State of Hidalgo-Judicial Police of the State of Hidalgo, 17 times
9. The Office of Attorney General of the State of Oaxaca-Judicial Police of the State of Oaxaca, 15 times
10. Department of the Federal District, 14 times

We can infer from these numbers why many of the recommendations relate to cases that involved attorney generals' offices or Judicial Police forces.

The remaining 303 authorities are listed in Annex 4 [supplementary annex not included with this document].

7. Legal Guidance

Aside from attending to complainants by opening their files or informing them of the status of their cases whenever they so request, the National Commission assisted a total of 317 persons who came to its offices to receive legal guidance about how to resolve their particular problems. The list of individuals attended to during these six months can be found in Annex 5 of this report [supplementary annex not included with this document].

The National Commission also attended to 151 social organizations, with the following breakdown: nongovernmental human-rights organizations, 30; state human-rights organizations, 4; campesino groups, 17; workers organizations, 20; colonia [urban community] residents organizations, 7; tenants, salespersons, and merchants, 6; public institutions, 8; teamsters, 4; Indian organizations, 6; cooperative associations, 4; employers groups, 8; associations of professionals, 7; party or civic organizations, 8; miscellaneous, 22. This information appears in Annex 6 [supplementary annex not included with this document].

During the six months from 4 December 1990 to 27 May 1991, a total of 1,958 requests for information were made to the authorities; this number includes the reminders that often had to be sent.

Annexes 7 and 8 [not supplied with this document] specify the authorities from whom information was requested; the number of times it was requested, and the number of replies that each has provided to date. The following is a list of the 10 authorities who have most often failed to submit the reports requested:

1. The directors of the Reynosa, Tamaulipas Social Rehabilitation Center
2. The Office of Attorney General of the State of Tamaulipas
3. The Office of Attorney General of the State of Durango
4. The Guanajuato branch of the Agrarian Reform Secretariat
5. The Office of Attorney General of the State of Guanajuato
6. The Superior Court of Justice of the State of Guanajuato
7. The Office of the Secretary General of the Cabinet of the State of Baja California
8. The Supreme Court of Justice of the State of Michoacan
9. The General Directorate for the Territorial Regularization of the Federal District
10. The Superior Court of Justice of the State of Mexico

In spite of the above, we should emphasize that compliance with requests for information has improved considerably. In this regard, the reform of Article 47, Section XXI of the Federal Law of Responsibilities of Public Servants has been of great importance; this reform took effect on 12 January 1991 and obliges public servants to provide timely and accurate information and data requested by the National Human Rights Commission.

Bearing in mind that the message service that the National Commission has available serves only the metropolitan area of Mexico City and that, therefore, the rest of the country must be covered by the Mexican Postal Service, the National Commission has been sensitive to the fact that it is often humanly impossible to receive a reply in 15 calendar days, which is the time period set by the Commission's council for the authorities to respond to requests for information.

In this regard, the ever-widening availability of fax machines is of considerable help to the National Commission in discharging its responsibilities.

Special mention should be made of how carefully and promptly the following agencies and institutions have responded to our requests for information:

1. The Honorable Superior Court of Justice of the Federal District
2. The Government of the State of Chiapas
3. The Office of Attorney General for the Federal District
4. The Office of Attorney General of the State of Mexico
5. The Office of Attorney General of the State of Tabasco
6. The Office of Attorney General of the State of Hidalgo
7. The Office of Attorney General of the State of Oaxaca
8. The Office of Attorney General of the State of Jalisco
9. The Office of Attorney General of the State of Queretaro
10. The Office of Attorney General of the State of Baja California

In order to investigate complaints of alleged human-rights violations, on-site work was done in the following states: Baja California, Chiapas, Chihuahua, Durango, Guerrero, Guanajuato, Hidalgo, Jalisco, Mexico, Michoacan, Nayarit, Nuevo Leon, Oaxaca, Puebla, Queretaro,

San Luis Potosi, Tabasco, Tamaulipas, Tlaxcala, Sinaloa, Sonora, Veracruz, and Yucatan, that is to say, 23 states of the federation. A total of 55 missions were undertaken.

8. Among the complaints that were originally regarded as presumably involving human-rights violations, the following were, according to the complaints themselves, the most common violations, many of which are subject to investigation to ascertain their veracity so that proper action can be taken:

1. Torture, 266 occurrences
2. Unlawful arrest, 239
3. False accusation, 150
4. Abuse of authority, 150
5. Delays in procedure, 149
6. Defects of procedure, 81
7. Denial of justice, 70
8. Intimidation, 67
9. Solitary confinement, 42
10. Theft, 40
11. Assault and battery, 37
12. Prison transfer, 35
13. Violation of inmate rights, 32
14. Homicide, 31
15. Alleged disappearance, 31
16. Crimes committed against the administration of justice, 28
17. Improper rendering of public service, 28
18. Dispossession, 27
19. Denial of medical care, 21
20. Influence peddling, 20

Moreover, 37 other alleged violations were mentioned; they can be found in Annex 9 of this report [not included with this document].

C) NUMERICAL SUMMARY OF THE COMPLAINTS PROGRAM DURING THE JUNE 1990/MAY 1991 PERIOD

1. a) Total complaints submitted, 3,256
b) Total complaints resolved, 1,433
c) Total complaints being processed, 1,493
d) Total complaints pending classification, 330

Complaints resolved:

a) Complaint resolved during processing or guidance provided to complainant, 510
b) Outside the Commission's area of responsibility, unable to give guidance to complainant, 609
c) Complainant withdrew charges, 27
d) Complainant uninterested in continuing proceedings, 168
e) Recommendations arising from 71 complaint files, 84
f) Declaration of nonaccountability of the authority in 28 complaint files, 29
g) Complaint files combined, 20
Total: 1,433

Reasons for being outside Commission's area of responsibility:

a) Because there was a final verdict, 206
b) Because a substantive judicial matter was involved, 196
c) Because a labor conflict was involved, 110
d) Because a conflict between private citizens was involved, 88
e) Because the organization, administration, or certification of elections was involved, 9

Recommendations

a) Accepted, with evidence of having been carried out, 36
b) Not accepted, 5
c) Accepted, with partial evidence of having been carried out, 25
d) Accepted without evidence of having been carried out, 9
e) No response, tantamount to nonacceptance, 4
f) Still time for reply, 9
Total: 88

The following authorities did not accept recommendations:

1. The attorney general of the republic, 2
2. The attorney general for the federal district, 1
3. The secretary of communications and transportation, 1
4. The constitutional governor of the State of Puebla, 1

The following authorities did not respond to the recommendations, which is tantamount to not accepting them:

1. The constitutional governor of the State of Tamaulipas, 3
2. The civil-criminal lower-court judge in Pochutla, Oaxaca, 1

2. The Commission managed to keep up-to-date in examining, ruling on, and classifying the complaints that it received during the semester and that contained sufficient information for this purpose.

None of the complaints that meet all of the requirements for classification are still pending. Nonetheless, the National Commission is still faced with the problem that a great many complaints are vague or ambiguous and, moreover, do not afford the opportunity for independent evidence-gathering. These complaints are received in the mail, which makes it harder to have direct personal contact with the complainant.

The National Commission cannot act flippantly on the sensitive matters that are submitted for its consideration. A simple telegram, the copy of a document sent to another authority, or a telephone message that does not contain the most basic information cannot be regarded as a true complaint, and therefore the Commission has decided not to record them as such until the minimum

formal requirements of a procedure that is in itself simple and unbureaucratic are met.

With the support of the mass media the National Commission will continue its efforts to raise society's consciousness so that the complaints filed meet these minimum requirements and thus do not create false hopes, on the one hand, or, on the other, increase the National Commission's work load without good reason.

3. The goal of the General Work Program for this semester was to classify complaints accompanied by sufficient information within 72 hours of their receipt at the Inspection Office [Visitaduria] and to take the first official steps in 96 hours at the latest.

As the semester wore on, this goal was, by and large, achieved. Nevertheless, due to their peculiar nature several complaints required a specific agreement with the inspector, the chairman of the National Commission, and even the Council of the National Human Rights Commission. The aforementioned 72- and 96-hour deadlines were not strictly adhered to in the case of these complaints.

D) THE CASE OF DR. NORMA CORONA

As is public knowledge, the first investigation that the National Commission conducted, on express orders from the citizen president of the republic and owing to the national outcry, involved the murder of Dr. Norma Corona. The previous report detailed all of the activities that it performed and clearly stated that the National Commission, as an "ombudsman," had completed its mission and could not, and cannot, replace either the Federal Public Prosecutor's Office or the presiding judge but would, however, continue to monitor the trial, as it has done. Therefore, the National Commission once again reviewed the case file and decided to send a letter to the citizen constitutional governor of the State of Sinaloa informing him of three distinct potential motives for the murder. The purpose of the letter and of making it public, the Commission noted, was to help clear up this highly regrettable case altogether. The potential motives are as follows:

I. Dr. Corona was murdered because of her work as an attorney and because certain drug traffickers were disappointed with her legal services.

II. Inasmuch as Dr. Corona was a well-known figure, her murder was planned and executed by drug traffickers so that the Federal Judicial Police would be blamed and thus discredited.

III. In investigating the murder of Attorney Guemes and three Venezuelans, Dr. Corona suspected the involvement of agents of the Federal Judicial Police who may have been mixed up in drug trafficking, even in complicity with agents or former agents of the Sinaloa State Judicial Police; the latter, sensing that they had been discovered, may have decided to kill her.

Regrettably, there are no new findings from the investigations that the Office of the Attorney General of the State of Sinaloa is conducting, although the investigations are continuing. This National Commission will not close the file or stop monitoring the progress of the investigations until the murder is completely cleared up.

E) COMPARATIVE ASPECTS

The National Commission was asked a series of questions about the Complaints Program this semester. In this section we seek to answer them.

1. What are the criteria for prioritizing investigations? The rule of thumb is that there are no criteria for prioritizing and that an attempt is made to process all complaints as quickly as is humanly possible, investigating them in the chronological order in which they are received. In reality, however, and in light of this year's experience, there have been three exceptions to this rule of thumb:

a) When a life is in danger.
b) When the case involves a community and the discovery of the truth is in the public interest. Two examples may clarify what the National Commission means by this: the recommendations in the case of the complaints from Aguililla and Tejupilco.
c) The National Commission attaches greater weight during this stage to violations of the individual guarantees provided for in our constitution.

2. Why are certain complaints resolved before others? There is no single answer here because several factors are involved. They are: a) the submission of complaints that do not provide enough information to determine whether there has been a human-rights violation, as a result of which the complainants must be asked to clarify their complaint, often more than once; b) the failure to submit any evidence whatsoever, as many complaints are based solely on statements; c) delays by the authority charged with violating human rights in sending in their reports; d) the difficulties in conducting certain especially complex investigations; and f) the fact that the investigation teams of overworked, and new complaints are investigated in the chronological order in which they are submitted.

I should also reiterate that the National Commission cannot make a recommendation until it is sure that it has sufficient evidence to support such a recommendation. The National Commission cannot make its views on specific cases known nor can it intervene in an amicable settlement unless it is altogether convinced that the truth about the case has been approached.

3. Do we receive a small, average, large, or very large number of complaints compared to ombudsmen in other countries? We thought this question to be very important and to answer it we had to obtain data from the ombudsmen in other parts of the world. The numbers below refer in all instances to annual periods.

In Mexico, the National Commission received 3,256 complaints during its first year of operations, as we have already noted.

Annually, on the average, the ombudsman in Australia receives 15,000 complaints; the mediator in France, 6,000; the parliamentary commissioner in the United Kingdom of Great Britain, 4,000; the ombudsman in Sweden, 3,500; the defender of justice in Portugal, 2,200; and the ombudsman in Denmark, 1,700.

The defender of the people in Spain received 30,673 complaints in 1983, his first year of operations; in 1984, 24,500; and in 1989, 24,000. It has received an annual average of 21,000.

Now then, the numbers alone do not tell the whole story, and the following factors, among others, must be borne in mind: the size of the country's population, the degree of education and culture, the tradition of respect for human rights, the seriousness of the complaints, repeated complaints about a given violation, the ombudsman's sphere of competence, and the ease or difficulty of seeing the ombudsman.

So then, the numbers are important but only one of the factors to be taken into consideration.

4. Is the number of complaints that the Commission receives but does not have jurisdiction over a small, average, or large percentage compared to other countries?

In Mexico, the National Commission has declared 17.7 percent of all the complaints received to be outside its jurisdiction, with no possibility of advising the complainant. To this figure should be added another 8.9 percent if we wish to include the cases in which legal guidance and aid was offered to the complainant; the National Commission has devoted considerable time and effort to this category.

The percentage is 88 in Sweden, 85 in Denmark, 78 in Great Britain, 62 in France, 36 in Australia, and 24 in Portugal.

III. PROGRAM OF PRECEDENTS AND COMPUTER PROGRAM

The General Work Program for the six months covered by this report set a goal of keeping the program of precedents and the computer program up to date.

This goal was achieved through the following actions:

A) Program of Precedents

a) The 51 recommendations issued during the semester were compiled and entered into the data bank;
b) The recommendations were indexed under major headings: facts, evidence, legal status, observations, specific recommendations;
c) The responses that the authorities gave to each of the recommendations were compiled and entered into the data bank;
d) The retrieval system was developed in reference to: authority responsible, nature of complaint, specific type of violation, and individuals involved in the incident;
e) A catalogue of key words was compiled for retrieving more specific information.

In spite of the undeniable gains that this program has made, we cannot fail to acknowledge that in certain areas it is still experimental and that the National Commission's attorneys cannot yet make comprehensive use of it.

It must be remembered that the program is designed to become a tool that will readily enable us to access the background information that is indispensable for drafting similar recommendations for analogous situations.

B) Computer Program

The following measures were taken to keep up-to-date and expand the computer programs:

a) All of the complaints received and, when appropriate, the specific actions taken to process them to their conclusion were entered into the data bank;
b) New routines were created so that the system shifted from the "single user" to the "local area network" mode;
c) The range of searches was expanded to encompass all fields in the program;
d) The procedure for reminding authorities who overstep established deadlines was automated;
e) The procedure for reminding complainants was automated if the complaint could not be classified or if more evidence was needed;
f) The reports procedure on the lodging of complaints was automated;
g) A device was developed for labeling correspondence to authorities and complainants;
h) The source-programs of the "EXPEQ" system were debugged in order to shorten routines and reduce search times.

IV. PROGRAM OF INDIAN AFFAIRS

A pilot program was undertaken to give immediate attention to cases in which the human rights of Indians had been violated so that they could be lent systematic, timely assistance. As was noted in this program, it began in the "Upper Mixe" area.

The program began on 17 February and concluded its phase of direct visits and evidence-gathering on 20 April.

The National Commission brigade consisted of three persons and had the support of the National Indian Institute (INI) and the nongovernmental human-rights organization "Pueblo Nuevo."

In all, 45 working meetings in which around 600 persons took part were held.

The following towns were visited in 63 days: San Pedro Ocotepec, Cerro Costeche, Santa Catarina Juquila, Zacatepec Mixe, Tuxtepec, El Encinar, Jaltepec de Acandayoc, El Porvenir, Asuncion Cacalotepec, San Francisco La Paz, San Miguel, Santa Maria Chimalapa, Matias Romero, Quiotepec, Puerto Escondido, and the city of Oaxaca. In all 18 towns were visited.

The National Commission's representatives traveled 7,940 km in a National Commission vehicle, 1,700 km in vehicles provided by the state government, 220 km on horses and mules, and 172 km on foot.

During the visits, 22 complaints were submitted and investigated. In addition, the facts were investigated and evidence was gathered about six complaint files that the National Commission had already opened.

Public and private radio stations in Oaxaca and Veracruz were utilized to broadcast Mixe-language programs that publicized the existence of the National Commission, its nature, functions, and area of responsibility, as well as its readiness to receive any complaints.

In addition, 120 cassettes were recorded for the same purpose in the Upper Mixe, Lower Mixe, Zoque, Mazateco, and Chinanteco.

Visits were paid to the prisons in Oaxaca and Tuxtepec, and evidence was gathered and is now being analyzed by the National Commission's attorneys.

The problems of the Mixe zone are extraordinarily complex, and most involve agrarian, criminal, and municipal aspects. There is no easy solution to them. Therefore, a complete, documented report on the visit is being prepared that will enable the National Commission to develop a clear idea of what actions ought to be undertaken.

The second program, which covers the northern area of Puebla, began on 22 April to address the problems raised by the Nahuatl and Totonac Indians, who reside mainly in Zapotitlan, Olintla, Huajapan, Huehuetlan, and Ahuacatlan. The investigation is under way.

V. PROGRAM CONCERNING PERSONS PRESUMED MISSING

As was reported to the citizen president of the republic and to the public in December 1990, the CNDH-PGR task force for conducting investigations into presumed disappearances was officially established on 19 September of that year.

At the close of the previous period we reported on the work that we had done in 24 cases, in five of which there were positive results. Four cases in the State of Jalisco were concluded when Jose Alfredo Pena Ramos, Carlos Hermosillo Gonzalez, Ricardo Cervera Garcia, and Manuel Esparza Gutierrez were found alive and working at normal jobs.

The public was also told about the identification of the remains of Sergio Machi Ramirez, the investigation having been conducted and the find made in the State of Baja California.

Following up on the remaining cases, the National Commission issued two recommendations during these six months on which we have already reported in detail in the appropriate section:

Recommendation 5/91, sent to the citizen constitutional governor of the State of Morelos, in the case of the disappearance of Jose Ramon Garcia Gomez, and Recommendation 16/91, sent to the citizen constitutional governor of the State of Baja California and to the citizen attorney general of the republic, in the case of the murder of Sergio Machi Ramirez.

Besides the follow-up on the cases reported up to December 1990, this year the investigations were broadened into 35 other cases, making a total of 59 files in seven months; many of these cases are from the 1960's, 1970's, and 1980's.

Nine other cases were resolved positively from 4 December 1990 to 27 May 1991. Alberto Nunez Jara and Salvador Juarez Martinez were found alive and in total freedom in Jalisco. The allegedly missing Nunez Jara had been detained by an unspecified police force for 55 days in 1978, a development that no doubt led to his being reported missing.

It bears emphasizing that Mr. Juarez Martinez was among the 14 persons reported missing in the State of Chihuahua. Juarez Martinez is currently living with his family in Guadalajara and working as a "flooring installer."

The case of Gabriel Solorio Ortega was resolved in the State of Jalisco as well. In the wake of the investigations conducted by the CNDH-PGR task force, he made contact with various members of his family, informing and proving to them that he was alive and well. As a result, his mother permanently withdrew any complaint in this regard.

The whereabouts of Hugo Alvarez Andressi were ascertained in the State of Oaxaca; he was found to be living an altogether normal life in Santa Maria Petapa, Oaxaca.

Another case that was cleared up involved Jorge Lugo Nava, who, for strictly personal reasons, decided on his own to leave Tenancinco in the State of Mexico in 1981.

In April we found Mr. Mario Alberto de Jesus Santos Mendoza, an inmate at the Prevention and Social Rehabilitation Center in the State of Durango. His wife, who had reported him missing in December 1989, withdrew her complaint when it was learned that he was behind bars and being tried for various crimes.

Messrs. Jose Alberto Gutierrez, Armando Armienta Zaragoza, and Teodoro Mendoza Morgan were located in the State of Sinaloa. The three were alive and leading

normal lives. The first said that he was an attorney and was unaware that he was on the list of alleged missing persons, because he has never been missing.

Armienta Zaragoza's wife stated that her husband had indeed been missing in 1977 and 1978 and that she did not know the reasons for his absence. Nevertheless, he is currently leading a normal life as a government employee, which has been confirmed.

As for Mr. Mendoza Morgan, his wife said that he had had "legal" problems in 1977 but that he is currently working as a newsman in Mexico City, which has been duly confirmed.

The resolution of these nine cases brings to 14 the number that have been resolved in eight months of work by the task force. As the National Commission promised in its Working Program, the progress of this program so far was made public at the end of April.

The investigations into these 59 cases have been conducted in 16 states, with the following breakdown: Jalisco, 19; Chihuahua, 14; Nuevo Leon, 5; Sinaloa, 4; Federal District, 3; Baja California, 2; Sonora, 2; Chiapas, 1; State of Mexico, 1; Michoacan, 1; Morelos, 1; Nayarit, 1; Oaxaca, 1; Queretaro, 1; Tamaulipas, 1; Durango, 1.

The families of the 59 alleged missing persons were kept informed during the eight months of work, with the exception of two who refused to receive information on the progress and specifics of the investigations. To illustrate what the investigations are like, we can mention that in the State of Chihuahua, where 14 allegedly missing persons were being sought, there was constant talk of a clandestine cemetery on "Los Mudos" Ranch along the Ciudad Juarez-Casas Grandes Highway where the remains of missing persons were supposedly buried. Members of the CNDH-PGR task force paid five visits to the cities of Chihuahua, Ciudad Juarez, and Casa Grandes, where they met with various federal, state, and municipal officials, who even provided heavy machinery with which several holes were dug on the ranch in question, with negative results. In other words, no indication was found that the ranch had been used as a clandestine cemetery.

During the program concerning allegedly missing persons the National Commission has obviously demonstrated that its only aim is to investigate the cases and achieve more and more results.

On 17 May 1991 the cooperation agreement with the Center for Historical Research into Armed Movements, S.C. (CIHMA) was formalized. Under this agreement the two institutions will lend each other technical and documentary assistance in the specific field of the Missing Persons Program, which fits in with a special CIHMA investigation.

VI. PROGRAM CONCERNING CRIMES AGAINST JOURNALISTS

This program originally consisted of 54 cases that were submitted to the National Commission by the Union of Democratic Journalists.

According to the last semiannual report, the National Commission and the Journalists Union agreed to remove 12 cases for various reasons, mainly because journalists were not involved or because the corresponding criminal charges had not been filed.

The number of cases subject to review during this semester was thus reduced to 42.

When the authorities failed to respond to the National Commission's requests for information in 15 cases (an issue about which the previous report expressed deep concern), the chairman of the National Commission had to intervene directly and ask that the requests be met. The information requested has not been received so far in just one case, from the attorney general of the State of Tamaulipas in connection with the murder of newsman Jorge Brenes Anaya.

In the cases of journalists Ernesto Flores Torrijos and Norma Alicia Mancera Figueroa, both of whom were also slain in the State of Tamaulipas, the only information forthcoming was that their criminal case files had been burned at the Matamoros Social Rehabilitation Center and that they would be replaced. The National Commission has not yet received these files.

The 39 remaining cases have been analyzed in light of the information furnished. Two were removed because it was shown that the aggrieved parties were not journalists. These files have, however, been incorporated as independent complaints into the National Commission's General Program.

In four cases it has been necessary once again to contact the authorities, the relatives of the aggrieved parties, and local journalists in order to broaden the investigations, which are currently under way.

There are six cases in which the controversy has arisen from a failure to execute the arrest warrants issued by judges. The National Commission has drafted proposals to these judges suggesting the steps that they can take to have these warrants enforced.

In three cases criminal trials are under way; the defendants are in jail, and no procedural irregularities have been observed, although there may be other culprits who have not been firmly identified.

Regarding the case of journalist Luis Andres Pampillon in the State of Tabasco, the National Commission has investigated it directly and has as yet not proven that the authorities are accountable. The Union of Democratic Journalists was asked to submit more and better evidence concerning this case.

Seven recommendations have been sent out for seven different aggrieved parties. These recommendations are summarized in the proper section.

As part of the program various meetings have been held with the representatives of the Union of Democratic Journalists to inform them clearly of the progress of each investigation.

Although it cannot be denied that the program has made striking gains, we must acknowledge that the goal of completing it this semester was not achieved.

VII. PROGRAM FOR THE COUNTRY'S PRISON SYSTEM

The National Commission has coordinated appropriately with the Interior Secretariat to reorganize the country's prison policy in the following ways:

1. The National Human Rights Commission attends National Prison System Meetings as a permanent advisory body.
2. The expansion of the Prison Information System, which keeps up-to-date information on prisons, the inmate population, and, most of all, the policies and actions of the system itself, including timely information for inmates on their legal status and channels of communication.
3. Promoting the classification and redistribution of the prison population on the basis of their potential for rehabilitation and the danger they pose (high, average, or low).
4. Bolstering the social rehabilitation of inmates through the right to a job, training, and education as indispensable foundations for life and rehabilitative efforts, while promoting the means to make them indispensable.
5. Campaigns to promote the culture of, respect for, and safeguarding of human rights in all prisons, while combating corruption head on.
6. Reviewing and updating the applicable regulatory framework. Submission of the draft of new regulations for the Islas Marias Federal Penal Colony and the Federal Center for Social Rehabilitation in Almoloya de Juarez.
7. Drafting and proposing the respective regulations for the Minimum Standards Laws on granting release.
8. Guaranteeing appropriate plans for providing medical care and fostering the physical and psychological health of the inmates, particularly the treatment of the mentally ill and those suffering from infectious diseases, in cooperation with the authorities of the health sector; in particular, make available the psychiatric center for Federal District residents of diminished criminal capacity.
9. Suggesting methods for making headway towards prison self-sufficiency.
10. Coordination with the federal and state judiciaries to exchange information that will enable trials of individuals to be completed within constitutionally set time periods.
11. Periodic visits to prisons, especially to the most vulnerable ones in the country, with a specific program and specific support goals for the inmates' living conditions.

Regarding the visits and assessment of the physical conditions in the country's Social Rehabilitation Centers, under a pilot plan visits were paid to the prisons in Huayacocotla, Poza Rica, Tantoyuca, Misantla, Coatepec, Huatusco, Orizaba, Cosamaloapan, San Andres Tuxtla, and Perote in the State of Veracruz; Apizaco, Huamantla, Zacatelco, Tlaxco, Calpulalpan, and Tlaxcala in the State of Tlaxcala.

These visits were made in coordination with the Interior Secretariat, the Directorates of Prevention and Social Rehabilitation of the States of Tlaxcala and Veracruz, and the Human Rights Commission of Tlaxcala.

The report that the interinstitutional group that visited the prisons submitted contains the following findings:

—Overcrowding in most of the prisons visited; insufficient facilities for the social rehabilitation of the inmates via jobs, job training, and education; inadequate diet; no special areas for receiving and treating the mentally ill.

In light of these problems, the task force feels that the following measures must be taken:

Expand the coverage of the program to bolster existing capacity, under the single agreements for development (CUD); set up a state center for receiving and treating the mentally ill coming from prisons; enhance the quality and increase the quantity of the food that inmates receive; strengthen the educational and work programs in prisons; review the progress of judicial proceedings in an effort to speed them up so that they are completed within the constitutionally set time periods; assign enough trained personnel from the Directorate of Prevention and Social Rehabilitation in the states to watch over and monitor all prisons, including medical and infirmary staff.

In this regard, I should emphasize that the federal and state governments were favorably disposed towards resolving their prison-related problems.

A booklet entitled "Guide for Visiting an Inmate at Prisons in the Federal District" was drafted. It is being distributed among the relatives of inmates at all prisons and social rehabilitation centers in the Federal District.

The National Commission attended the Second National Prison System Meeting, which was sponsored by the Interior Secretariat and also attended by representatives of Prevention and Social Rehabilitation of the Federal District and the 31 states. The National Commission has already submitted to the undersecretary of civil protection and of prevention and social rehabilitation the first draft of regulations for the Islas Marias federal penal colony so that it can serve as the basis for an exchange of ideas.

In addition, in the spirit of cooperation that truly exists between the two bodies, the National Commission submitted to the undersecretary a series of studies that it has drafted in examining and reflecting on the National Prison System, specifically concerning the protection of human rights within the system. These studies are the following:

"National Prison System Meeting," "Reorganization of the National Prison System," "Incorporation of Municipal Jails into the Prison System," "Defining the Area of Responsibility of the States' Prevention and Social Rehabilitation Areas," "Overcrowding," "Prison Security," "Construction Standards," "States Analyses and Studies on the Application of Benefits and Prison Alternatives," and "Proposal for the Certification of Damage Compensation To Decrease the Prison Population."

A series of draft legislative and regulatory reforms that will improve the country's prison system are still under study and, therefore, have not been submitted under this program.

VIII. INTERINSTITUTIONAL PROGRAM OF EARLY RELEASE

The National Commission has received 224 requests from individuals who are being held in various of the country's Social Rehabilitation Centers.

Of these requests 163 are from individuals who have been sentenced, 40 from individuals on trial, and 21 from underage wrongdoers and individuals under administrative arrest. The latter two groups do not actually fall under the early-release program because they are in the custody of the Judiciary or an administrative authority. The relatives and representatives of the applicants were attended to and given guidance.

The 163 requests from individuals who have been sentenced break down as follows:

—142 requests to arrange some sort of early release with the authority that executes the sentences.
—6 requests for a transfer to another prison and for intervention to end solitary confinement and punishment.
—15 requests for medical care in prison.

In this latter category, it bears noting that the National Commission asked the judicial, sentence-execution, and health-care authorities to consider the cases of five individuals who were suffering from heart disease, AIDS, and tuberculosis. According to the medical prognosis, death was imminent. Early release was obtained in these cases.

In addition, the Health Secretariat was asked to conduct specialized studies on 15 individuals of diminished criminal capacity being held at the Social Rehabilitation Center in Mazatlan in the State of Sinaloa, to support their transfer to a psychiatric institution. The Health Secretariat sent four psychiatrists from Mexico City to the center in question to perform this mission.

Files on 142 of the persons who have been sentenced were compiled and analyzed. Requests were made:

—To the General Directorate of Prevention and Social Rehabilitation of the Interior Secretariat to issue an opinion on 127 cases and to decide whether they could be granted some sort of early release, depending on the personality studies done on each of them and the time they have served.
—To the Directorates of Prevention and Social Rehabilitation of the States of: Mexico, 5 cases; Chiapas, 4; Tabasco, 2; Nayarit, Puebla, Veracruz, and Guanajuato, 1 case each, under the same conditions.

As of 27 May 1991, 107 replies have been received from the General Directorate of Prevention and Social Rehabilitation of the Interior Secretariat, informing that:
—22 individuals were granted early release or had their sentences shortened.
—The cases of 21 individuals are being analyzed by the early-release commission of the General Directorate of Prevention and Social Rehabilitation.
—2 individuals are eligible for early release once they make good the damage they have caused, as ordered by the judicial authority.
—6 individuals are not eligible for any early release because their personality studies show that they are extremely dangerous.
—8 individuals are still in the custody of the Judiciary (on trial, on appeal, or under amparo). Therefore, they are not eligible for early release under the Law of Minimum Standards. This category includes individuals whose trials are pending, independent of any sentence that they are currently serving.

One response was also received from the State of Nayarit; it reports only on the legal situation of the inmate (Annex 10 [not included with this document]).

The State of Mexico reports that three individuals are still not eligible for early release under the state's Law on the Deprivation and Restriction of Freedom.

The State of Chiapas reports only on the legal situation of three inmates and the results of the medical care that a woman inmate received at Social Rehabilitation Center Number 6 in Cerro Hueco in the State of Chiapas.

Written replies have been sent to 143 requests from inmates, informing them of the dates for securing early release and of the requirements that by law they must meet.

During this six-month period 500 individuals have also obtained their freedom under the national program of prison solidarity, in which the National Commission remains a participant within the interinstitutional group made up of the Interior Secretariat, the PGR, the National Indian Institute, and state authorities.

IX. PROGRAM OF PARDONS

The National Commission received various petitions from social institutions and organizations requesting pardons for individuals who are in prison for federal crimes. Concerning the requests, which were evaluated on the basis of the conditions set forth in the Penal Code for the Federal District in the common jurisdiction and for the entire republic in the federal jurisdiction, it bears emphasizing that the only one that met the requirements set by the aforementioned law was submitted by the National Indian Institute for Mr. Erasmo Robles Quezada.

Consequently, once the file had been prepared, the National Commission and the Interior Secretariat formulated a proposal for the first draft of a pardon, which was sent for review and study to the General Directorate of Judicial Affairs of the Presidency of the Republic on 24 May

Likewise, the National Commission and the Interior Secretariat called on the citizen governors of the states to consider the possibility of matching the presidential measure in keeping with their sovereignty and in accordance with their sociopolitical realities.

The response to the appeal to join in this nationwide effort has been highly gratifying; as a result, 569 individuals have been helped during this fourth stage of the current administration's amnesty and pardon program.

X. PROGRAM IN DEFENSE OF CHILDREN

Studies are being conducted that could lead to the first draft of an amendment to the law that created the Guardianship Councils for Juvenile Delinquents in the Federal District, so that this secondary law is consistent with the principles that the UN International Convention on the Rights of Children establishes for juvenile delinquents. When the first draft is ready, the Undersecretariat of Civil Protection and Social Rehabilitation, the System for Comprehensive Family Development (DIF), and experts will be invited to polish the proposal.

The National Commission drew up an annotated directory of child-protection organizations in the Federal District as a source of information for the organizations themselves and for society in general.

On 8 December the event entitled "Gathering of Children" was inaugurated at the Casa del Lago. On this occasion Dr. Jorge Mejia, the head of the UNICEF project in Mexico talked on the subject of "Mexican Children and Their Rights."

On 8 and 9 December a puppet show for children, entitled "Aguila con los derechos," was also presented; it was designed specifically to illustrate in an amusing and istructive way the rights contained in the International Convention on Children's Rights. Together with it a videotape on the rights of children was shown and an exposition of posters and photographs on the subject was displayed.

XI. PROGRAM FOR THE HUMAN RIGHTS OF MIGRANT WORKERS

The National Commission is still working on the report on the violation of the human rights of Mexican migrant workers on both sides of the northern border. We have had the support of the Foreign Relations Secretariat and its consulates in the United States and input from nongovernmental organizations [NGOs] in both countries that are defending the human rights of migrant workers. Especially important has been the assistance from specialists in the field and from the commission's own staff who have processed and analyzed the information gathered, complemented by surveys conducted directly in various work places, jails, and migrant detention centers in the San Diego area, which unquestionably presents the most problems. This information is enabling us to formulate a more accurate diagnosis of the migration phenomenon and to draw some preliminary conclusions.

As part of the actions taken to safeguard the human rights of Mexican workers overseas, the National Commission prepared a pamphlet entitled "The human rights of migrant workers," which spells out what they are, on both sides of the border, and what means exist to protect them. Complementing this pamphlet, the commission produced a plastic card, about the size of a driver's license, summarizing the main rights of Mexican migrant workers in the two countries and listing the telephone numbers of Mexican consulates in the United States, of the Secretariat of the Office of the Comptroller General of the Federation, and of the National Human Rights Commission so that Mexican migrant workers can file their complaints.

XII. FREE TEXTBOOK PROGRAM

During the six months covered by this report the National Commission continued its talks with the Secretariat of Public Education in an effort to include the issue of human rights in free textbooks.

The Secretariat of Public Education invited the National Human Rights Commission to participate actively, through a representative, in the operative-test group, in the group of the Technical Secretariat, and in the National Technical Council of Education; the National Commission greatly appreciates this. Representatives were appointed to these bodies.

Moreover, a three-part document on the Children's Rights Convention was put together to be distributed through the free-textbook system. This material will be printed according to the timetable for the distribution of free textbooks.

XIII. TRAINING PROGRAM

A) The National Commission taught training courses on "Human Rights and the Prison System" at the following penitentiaries:

1. Men's Northern Preventive Penitentiary, from 28 January to 2 February, with 226 guards present.
2. Men's Southern Preventive Penitentiary, from 25 to 27 February, with 235 guards present.
3. Women's Southern Preventive Penitentiary, from 25 to 27 February, with 19 guards present.
4. Men's Eastern Preventive Penitentiary, from 18 to 20 March, with a total of 720 persons present.
5. Women's Eastern Preventive Penitentiary, from 18 to 20 March, with a total of 720 persons in attendance.

Moreover, to publicize the courses on "Human Rights and the Prison System" in all prisons in every state, a videotape about them was produced.

In addition, outside prisons, a basic course in human rights and mental health was taught at the "Samuel Ramirez Moreno" rural hospital.

B) The National Commission also taught a course on human rights to mayors in Yucatan on 20 May.

XIV. PROGRAM OF INTERNATIONAL RELATIONS

The National Commission continued to work together with the Foreign Relations Secretariat to respond to and follow up on 22 complaints submitted by seven embassies and consulates in Mexico, as well as by several foreigners residing in or passing through our country. These complaints are included in the Program of Complaints (Annex 11 [not included with this document]).

In order to achieve greater efficiency and make the complaint procedure more expeditious in this area, the National Commission, the PGR, and the Foreign Relations Secretariat entered into an agreement. Thus, the Foreign Relations Secretariat requests information directly from the PGR about the complaints that are filed with the former by foreigners and that involve any segment of the PGR. In addition, the Foreign Relations Secretariat sends a copy of the document in question to the National Commission for its information. Only in the event that the Foreign Relations Secretariat does not find the responses satisfactory, and at the express request of the secretariat, does the National Commission conduct the pertinent investigations. These investigations follow the regular course of action for complaints, as established by the National Commission's Rules of Procedure.

The National Commission has promoted and maintained forthright, open communication with international and regional human-rights organizations. In this regard, the National Commission, at all times in cooperation with the Foreign Relations Secretariat, drafted various reports for the following organizations: the UN Committee of Experts for the Elimination of Racial Discrimination, the UN Human Rights Center, the Subcommission for the Prevention of Discrimination Against and the Protection of Minorities, the Special Rapporteur on Summary Executions, and the UN Human Rights Commission. Likewise, it kept the UN Working Group on Forced or Involuntary Disappearances informed about the progress and resolution of the cases sent to the Mexican Government.

The National Commission also analyzed the reports from the Special Rapporteur on the Question of Torture and from the Working Group on Forced or Involuntary Disappearances and sent the former a report on the status of the investigations into the most recent 21 cases that the rapporteur had sent to the Mexican Government and sent the latter evidence of having located 6 alleged missing persons about whom the Working Group had inquired.

With the cooperation of the Foreign Relations Secretariat, the National Commission took part in various multilateral forums and went on several working tours. In Geneva, Switzerland the National Commission attended the 47th session of the UN Human Rights Commission. In Santiago, Chile it attended a seminar organized by the Council of Europe on the issue of human rights. The National Commission was also part of the Mexican delegation that met in Washington D.C. with its U.S. counterpart to form the two-nation task force on border violence; this task force, to which the National Commission belongs, will hold its first meeting this month. To exchange opinions on this problem, officials of the National Commission met with representatives from the U.S. Congress, the Departments of State and Justice, and the Immigration and Naturalization Service. At all of these international meetings the work done by the National Commission was made known, and contacts with governmental and nongovernmental organizations involved in defending human rights were strengthened.

In order to bolster communication with nongovernmental migrant-worker human-rights organizations in the southern United States, the National Commission paid two working visits to different cities in California.

Moreover, the National Commission established formal communications with the International Institute of the Ombudsman headquartered in Alberta, Canada. Ties had already been established with this institute in order to facilitate an exchange of information between the National Commission and other ombudsmen, as well as to obtain various publications on the activities and investigations performed by this international institute.

In addition, the National Commission continued replying to overseas requests for information about human-rights violations in Mexico. We provided information on the status of 69 cases to 503 members of nongovernmental organizations and to private individuals from 20 countries on the investigations or the findings thereof (Annexes 12 and 13 [not included with this document]).

The National Commission continued to expand its relations with nongovernmental organizations (NGO's) overseas. Thus, 24 more organizations were added to its directory of 95 NGO's with which it was in contact as of

3 December 1990. At present it is in touch with 119 NGO's in 26 countries (Annex 14 [not included with this document]). The National Commission has sent all of them its first report, the issues of GACETA, and its publications.

XV. PROGRAM OF RELATIONS WITH DOMESTIC ORGANIZATIONS

The National Commission compiled an annotated directory of domestic NGO's, which besides basic data (addresses, telephone numbers, and representatives) contains information on their objectives, the services that they offer to the community, and the publications that they put out.

The first edition of the annotated directory covers 75 organizations with which we made direct contact to obtain or confirm the data included in it (Annex 15 [not included with this document]).

Distribution of the directory to the NGO's is intended to facilitate communication among the various nongovernmental human-rights organizations and to broaden communication between them and the National Commission.

In order to foster and consolidate a culture conducive to human rights, the National Commission entered into an agreement with the National Autonomous University of Mexico (UNAM) under which they will join hands and combine resources to publicize these fundamental rights and educate people about them.

The National Commission also entered into a cooperation and exchange agreement with the Mexican Human Rights Academy.

In order to coordinate activities to publicize and safeguard human rights, the National Commission entered into cooperation agreements with many attorneys groups around the country. In chronological order they are: the National Association of Attorneys; the Leon Bar Association; the Jalisco Bar Association, A.C.; the La Laguna Bar Association; the Jalisco Judicial Association; the Academy of Civil Law Studies of Jalisco, A.C.; the Bar Association of Aguascalientes, A.C.; the San Luis Potosi Association of Trial Lawyers; the Bar Association of the State of Queretaro, A.C.; the Maria Sandoval de Zarco Bar Association, A.C. of Tijuana; the Irapuato Bar Association, A.C.; the Ignacio Burgoa Orihuela Bar Association, A.C.; the Northern and Hot Zones Bar Association of the State of Guerrero; the Front of Oaxaca Attorneys for the Defense of Human Rights, A.C.; the Durango Bar Association, A.C.; the Oaxaca Bar Association, A.C.; the Federation of Attorneys of the Northwest, A.C.; the Sonora Bar Association and six of its branches; the National Federation of Bar Associations, A.C., and the Yucatan Bar Association, A.C.

An agreement was also entered into with the General Directorate of Prisons and Preventive Centers of Social Rehabilitation of the Federal District to train human-rights educators.

The National Commission and the ANUIES [National Association of Universities and Institutions of Higher Education] also signed an agreement to promote the involvement of universities and institutions of higher learning in publicizing the goals and activities of the National Commission.

At the request of state governors, a package of legal and technical information was put together that could help them in setting up their own local human-rights commissions. These packages were delivered to the governors (a majority) who asked for them.

Various groups of private citizens approached the National Commission to request assistance in forming nongovernmental human-rights organizations; such assistance was always provided.

The chairman of the National Commission had two working meetings with leaders of nongovernmental human-rights organizations at which there was a wide-ranging exchange of ideas and at which the chairman was asked why the National Commission was engaged in the activities and taking the positions it was.

XVI. PROGRAM OF ACADEMIC EVENTS

From 10 to 12 January the second training event was held at the facilities of the National Sports Council in coordination with the National Indian Institute and the National Union of Autonomous Regional Peasant Organizations. It was entitled "Second Event for Legal Training and Evaluation of the Subproject: Network of Human-Rights Defense Committees in Producers Organizations With Indian Population."

In order to broaden Mexican society's awareness of the human rights of especially vulnerable groups, the National Commission and Anahuac University organized and undertook, on 16 May, the event entitled "The Protection of the Human Rights of Children, Migrant Workers, and Refugees."

On 16 May an academic event was held under the joint sponsorship of the National Commission and the Association of U.S. Attorneys called the May Group. Its purpose was to publicize certain aspects of the U.S. judicial system, specifically in connection with the taking of a confession.

On 23 May a meeting was held at the National Museum of Anthropology with rectors of universities and institutions of higher learning. An agreement was reached at it on ways of helping the National Commission to develop a broader human-rights culture.

One of the events planned under this program was not held during the six-month period: the seminar on "Mexican Attorneys and the Ombudsman," owing to the

thoughtful request of the Government of the State of Nuevo Leon to have this event coincide with the unveiling of the building that will house that state's Superior Court of Justice. The National Commission gladly agreed, and thus this seminar will be held on the 20th and 21st of this month.

XVII. DOCUMENTATION AND LIBRARY PROGRAM

The Documentation Center and the library that specializes in human-rights issues opened for lending and reference for National Commission staff and other interested parties in January. So far, 530 requests for information have been handled. The library currently has 545 volumes; 295 were purchased, and 250 were donated.

The Center for Scientific and Humanistic Research of UNAM provided training under the agreement for acquiring and salvaging books. Three-hundred and fifty titles were processed in this manner.

Eighteen inter-library loan agreements and 14 library-exchange agreements were established to offer better service and support the activities of the National Commission.

In order to inform users of the materials that the library has available, a list of duly classified and catalogued acquisitions has been drawn up. It has been distributed bimonthly, starting in February, among National Commission personnel and the documentation centers and libraries with which there are exchanges.

XVIII. PUBLICITY PROGRAM

1. Press publicity:

During this semester the National Commission continued to publicize issues related to human rights in the free weekly space that the newspaper EL NACIONAL makes available. A total of 23 articles were published. In addition, the First Report of the National Human Rights Commission, the text of the pamphlet "Mexican Migrant Workers," and Recommendations 16/91 and 17/91 concerning the cases of Sergio Machi and Jorge E. Toledo Coutino appeared in this paper.

2. Radio publicity:

The program "Respuesta," which has been broadcast since last semester in cooperation with the station Radio Educacion, broadened its coverage this semester, and hence intensified its impact on the radio audience.

Eighteen 60-minute radio programs were broadcast on which the guests expressed a variety of views on issues related to human rights.

3. Publicity in theater:

The play "Bandera Negra" [Black Flag] by the Spanish playwright Horacio Ruiz de la Fuente opened on 9 April; it deals with the death penalty.

4. Publicity on television:

The National Commission participated twice on the Channel 9 program "Y usted que opina?" [What Do You Think?]. The prison system in the Federal District was the topic.

The project to televise information briefs on human rights during televised secondary-school courses fell though because the Directorate of Televised Secondary School gave priority to other topics.

Nine five-minute information briefs were produced in cooperation with IMEVISION and broadcast over Channel 13; they dealt with the following topics: the human rights of migrant workers, the human rights of children, how to file a complaint, judicial reforms, and the prison system.

In an effort to publicize what human rights are and what the National Commission is, officials of the Commission agreed to give lectures, take part in round tables and radio and TV programs, and present papers at congresses and symposiums. They also attended and participated in events to which they were invited by the host organizations and associations.

Besides the publicity programs in which the National Commission has been directly involved and which are its responsibility (specific information about them is given in this section), the support of many newspapers and radio and TV stations has without doubt been extraordinarily important, as some of them have truly joined the cause of human rights with resolve and enthusiasm.

On several occasions I have asserted that our work as an ombudsman is performed 50 percent by those of us on the National Commission and 50 percent by the mass media, which are informing the public of this Commission's various activities. This is very true; this is what is happening now in Mexico. Accordingly, it is only fair to acknowledge and thank the press, radio, and television for the support that they have given this National Commission, without which we would not have achieved all of the results on which we are reporting today.

XIX. PROGRAM OF PUBLICATIONS

a) The National Commission's official organ, GACETA, was published monthly, issues 5 to 10 inclusive. Because of the mounting demand for subscriptions to this publication, the press run was expanded from 2,000 to 4,000 copies.

b) The following titles were published in the "Pamphlets" series: "Primer of First Aid in Human Rights;" "The Human Rights of Migrant Workers" (an edition with a protective covering so that it can be carried in one's pocket); report on the forum: "Children: Fact and Fantasy," and "The Federal Public Prosecutor's Office, the Intervention of Third Parties in Criminal Proceedings, and the Obligation To Indict in Accordance With

the Constitution." The Annotated Directory of Institutions for Minors in the Federal District and the Annotated Directory of Nongovernmental Mexican Human-Rights Organizations were also published.

c) Six titles were published in the "Manuals" series: "Manual of Human Rights" by Luis Diaz Muller; "Report of the National Conference Against Torture"; "Judicial Protection of Human Rights" by Hector Fix Zamudio; "Human Rights: a Five-Century Compilation of Documents and Testimonies," and "Studies on International Law and Human Rights" by Cesar Sepulveda.

Also published was the book "The Defender of the Citizen" by Magdalena Aguilar Cuevas, a joint edition with the Law Department at UNAM.

d) As for the "Classics" collection, the works "Crimes and Punishments" by Cesar Beccaria and "Anthology of Mexican Classics on Human Rights" were also put out.

e) The collection of "Reports" from the office of chairman of the National Commission included the publication of the report on the first semester of activities in Spanish, English, and Nahuatl, and a translation into Mayan is being done.

XX. ADMINISTRATIVE ASPECTS

The most important development here is that the National Commission is now installed in and operating out of its own building. Our new institution had been operating in three widely separated locations as if it consisted of three small commissions with different rules, even for responsibilities and work schedules. This problem has now been resolved.

The administrative problems that we faced initially have been largely overcome.

The necessary funding was authorized during this semester to purchase one-fourth of the remaining physical space in the National Commission's building, so that now this will indeed be the National Commission Building. The legal formalities to this end have not yet been completed, however.

One problem has been training the manpower to discharge the tasks of the National Commission. The difficulty in technical fields was merely finding people with specific talents. Moreover, working for the National Commission requires a belief in the cause of human rights, a belief that will spur people to work hard and to subordinate their personal interests to the cause. What is more, we need people who are brave and resolute. Fortunately, many of the members of the National Commission meet these requirements and have done a good or very good job.

Careful readers of this report may notice that some sections did not work as responsibly and effectively as others. Our successes are the work of around 80 percent of the personnel attached to the National Commission.

XXI. MESSAGE

Human rights are more than just a legal and humanitarian issue; they are a moral and ethical imperative. The struggle to defend them to the utmost is a social force that no one can halt any longer.

Thus, the primary and ultimate goal of human rights is the very backbone of our civilization: human dignity. Therefore, the field of human rights has gradually broadened and become better defined. This is the purpose of many international instruments. Here in Mexico, it is becoming clear that while the ombudsman is an appropriate institution in the struggle to defend human rights better, it cannot concern itself with absolutely all of the events that take place in a society. Thus, the jurisdiction of the ombudsman is being circumscribed, and his faculties more precisely defined. This has taken place in Mexico over these months. When the National Commission was created, the goal was for its powers to encompass all fields and all issues. Yet day after day we have understood why it does not have jurisdiction in certain areas. It has stated the reasons clearly and simply, and society has seen that the National Commission is not sidestepping issues. The most recent case that its Council heard is a good example. It does have jurisdiction to hear environmental complaints as long as a set of requirements is met. However, in those fields in which it does not have jurisdiction, it plainly and simply sets forth its arguments and reasons why this is so.

The National Commission has continued to demonstrate its apolitical and nonpartisan nature. It has been highly gratifying to see that the political parties and the great majority of nongovernmental human-rights organizations have respected the National Commission and understood why it cannot become involved in domestic political disputes, because this would impair its moral authority, consequently destroying it.

The activities of the National Commission are humanitarian and legal, not political. It has not been difficult to repel the few attempts that have been made to politicize the National Commission.

In addition, the impartiality of the National Commission as a promoter of justice has, by and large, been understood and respected. It cannot be denied, however, that in exceptional cases attempts have been made to apply pressure to it, for example, in the case of a hunger strike in one of the country's prisons. There is but one truth as far as the National Commission is concerned: the truth that derives from a case file and from an evaluation of the evidence. The National Commission will never color or alter that truth because of pressures, regardless of their origin. When the National Commission is not certain of its evidence, it will continue to investigate and when it is certain, it will take immediate action. Therefore, the National Commission, as an

ombudsman, does not bargain. The truth is not bargained over. He who bargains with the National Commission does not understand its nature and does not have the slightest respect for it. I repeat: the truth is not bargained over.

The human-rights situation that the National Commission is familiar with is derived from the files that it studies and investigates. This situation is set forth in the reports and their annexes. We make all of this information public. There are no secrets as far as the National Commission is concerned. The National Commission acknowledges positive developments regarding respect for human rights in the country, and it clearly outlines the problems related thereto in a desire to help resolve them.

The National Commission's assessment of the human-rights situation in Mexico is contained in the data and numbers to be found in its two semiannual reports and their annexes. We make available all of the information that we possess. The National Commission feels that we are on the right road in overcoming the country's problems in respecting human rights: a society that is increasingly better informed about human rights and that is more involved and more active in their defense; a more organized society that discusses these problems; more authorities who realize that the failure to respect human rights carries a heavy political price; a large movement in society and in government that is fighting to see to it that the principle that no one is above the law becomes a general rule with no exceptions.

It cannot be denied, however, that there are still some authorities who have an insufficient understanding of the human-rights cause. This report identifies them clearly. They range from those who do not submit the reports that are requested of them to those who do not respond to recommendations and those who are unfamiliar with the nature of an ombudsman, such as certain judges who claim that because the Commission is not involved in a trial, they will not give it copies of the documents that it requests. In one exceptional case an authority failed to recognize the jurisdiction of the National Commission in a document that we did not classify but that the public ought to be familiar with; therefore, it and the response to it are published as Annex 16 [not included with this report]. All of this is part of our daily experience, but so is the fact that (as the numbers in this report confirm) more and more authorities are helping the National Commission; more reports are arriving by the stipulated deadlines; more complaints are being settled amicably, and more recommendations are being promptly accepted. Thus, the attitude of authorities who fail to comply or are slow to act stands out in even starker contrast.

Authorities are mistaken if they feel that to receive a recommendation is to be dealt a very bothersome insult and that therefore they must do all they can to avoid complying with it. A recommendation is a tool, like a verdict, so that justice can be brought up to date, so that the rule of law is strengthened, so that the enforcement of human rights is bolstered. Therefore, a recommendation represents cooperation between the ombudsman and the authority to achieve purposes that are exactly the same as the authority ought to pursue. To see a recommendation otherwise is to ignore its underlying meaning and to be far removed from the times in which we live.

The independence of the National Commission is a fact; it is independent of the Federal Government, the governments of the states, political parties, social organizations, and even nongovernmental human-rights organizations.

As far as the National Commission is concerned, there is only one truth. On many occasions it requests the opinions of experts or specialists or prestigious specialized organizations to ascertain the truth. We have done so often and will continue to do so. Does anyone with common sense think that the National Commission can ignore the conclusions of these expert reports conducted by recognized, trustworthy specialists? No, because we are interested only in discovering the truth, whatever it may be. We seek only to arrive at the truth. Nothing more, but nothing less.

It is precisely for this reason that the National Commission cannot make public a judgment or a viewpoint until it is certain, as certain as humanly possible, that it knows or is close to the truth. Hence, those who think that they can pressure the National Commission into taking a certain stand on a complaint or with the timing that they desire are wasting their time. As far as the National Commission is concerned, as we have said a thousand times and will reiterate as often as necessary, the truth can emerge only from the case file, and until there is sufficient evidence to support its judgment, it will make no public pronouncement whatsoever. To proceed otherwise would make no sense and would eventually destroy the National Commission. Consciously we will never do so.

This is a propitious occasion to reiterate a promise and to put forth a request. The promise: we will continue to work hard and enthusiastically. The National Commission is like a youngster who can carry a 100-kg boulder, while some groups want it to carry a 1,000-kg boulder. Our aim will be to carry the heaviest boulder that our physical and mental powers allow.

The request: that society try to become better informed about the activities of the National Commission, that it read our documents, analyze, evaluate, and criticize them. The National Commission has taken action to publicize what it is doing so that this information reaches the entire society; nonetheless, this goal has not yet been fully achieved.

Society and the president of the republic, who created this National Commission, have been with us and supported us decisively during these months. Today we submit to them this second report on the results we have achieved. It is up to you to analyze and evaluate it.

Mexico is in a period of major, in-depth changes. Mexico wants to live in a more civilized world from which barbaric acts are eradicated once and for all. This National Commission can help and is helping to achieve this legitimate aspiration.

I have no doubt that the National Commission has already taken deep root in the Mexican people. It came to take root. It came to help refine our rule of law and to improve the meting out of justice. The above does not mean that a lengthy judicial evolution does not lie in store for it. Of course it does. The above simply means that in the long and difficult struggle of the Mexican people to achieve justice, just justice, real and authentic justice, the National Human Rights Commission is already playing and will to a greater extent play a prominent role in this cause, which is one of the finest and most esteemed causes in our society.

Dr. Jorge Carpizo

Chairman of the National Human Rights Commission